THE NATIONAL ARCHIVES OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 17 NUMBER 189

Washington, Friday, September 26, 1952

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 5—REGULATIONS, INVESTIGATION AND ENFORCEMENT

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

PERSONS DISQUALIFIED FOR APPOINTMENT; NATIONAL ENFORCEMENT COMMISSION

1. Section 5.101 (a) is amended by the addition of a proviso clause as set out below. As amended, the paragraph reads as follows:

§ 5.101 *Persons disqualified for appointment.* (a) Persons disqualified for any of the reasons stated under Civil Service Rule II, § 2.104 (a) (1) through (8) of this chapter, may, in the discretion of the Commission, be denied examination, or be denied any of the types of appointment listed in Civil Service Rule II, § 2.112 (a) (1) through (7) of this chapter, namely, original probational, reappointment, reinstatement, temporary appointment, inter-agency transfer, conversion from excepted, war service indefinite or temporary indefinite appointment to competitive appointment, and indefinite appointments under Parts 2, 7, and 8 of this chapter, for a period of not more than 3 years from the date of the determination of such disqualification: *Provided*, That no person shall be admitted to competitive examination, nor shall he be employed in any position in the competitive service within 3 years after a final determination that he is disqualified for Federal employment because of a reasonable doubt as to his loyalty to the Government of the United States.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

2. Effective upon publication in the FEDERAL REGISTER, subparagraph (8) of § 6.155 (c) is revoked and a new paragraph (f) is added as follows:

§ 6.155 *Economic Stabilization Agency.* * * *

(f) *National Enforcement Commission.* (1) The Chairman.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR 1947 Supp. E. O. 9973, June 28, 1948, 13 F. R. 3600; 3 CFR 1948 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] ROBERT RAMSPECK,
Chairman.

[F. R. Doc. 52-10454; Filed, Sept. 25, 1952; 8:48 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter D—Water Facilities Loans

[FHA Instruction 442.2]

PART 352—POLICIES

Part 352, Title 6, Code of Federal Regulations (13 F. R. 9426, 14 F. R. 3883, 16 F. R. 1180) is revised to read as follows:

Sec.
352.1 General.
352.2 Basic objective.
352.3 Area planning.
352.4 Types of assistance.
352.5 Purposes.
352.6 Loan terms.
352.7 Loan limit.
352.8 Eligibility.
352.9 Planning.
352.10 Water rights.
352.11 Tenure.
352.12 Security.
352.13 Insurance.
352.14 Subsequent loans.

AUTHORITY: §§ 352.1 to 352.14 issued under sec. 6 (3), 50 Stat. 870; 16 U. S. C. 590w (3). Interpret or apply secs. 2 (3), 5, 50 Stat. 869, 870; 16 U. S. C. 590s (3), 590v. Other statutory provisions interpreted or applied are cited to text in parentheses.

§ 352.1 *General.* Sections 352.1 to 352.14 set forth the basic policies for extending technical and financial assistance to individual farmers; to incorporated mutual water companies and water users associations; and to irrigation districts, and other improvement organizations of a public or quasi-public nature, (all incorporated applicants being hereinafter referred to as "associations"), in the arid and semiarid areas of the United

(Continued on p. 8567)

CONTENTS

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

CONTENTS—Continued

Federal Power Commission—Continued Page
Notices—Continued
Hearings, etc.—Continued
Gulf Interstate Gas Co. 8600
Midsouth Gas Co. 8598
Missouri Public Service Co. 8600
New York State Natural Gas Corp., and Texas Eastern Transmission Corp. 8598
Panhandle Eastern Pipe Line Co. (4 documents) 8599
Rockland Light and Power Co. 8598

CONTENTS—Continued

Federal Power Commission—Continued Page
Notices—Continued
Hearings, etc.—Continued
Texas Gas Transmission Corp. 8600

Federal Trade Commission
Notices:
Orders appointing Hearing Examiner:
Borden-Aicklen Auto Supply Co., Inc. et al. 8600
D & N Auto Parts Co., Inc. et al. 8601
Rules and regulations:
Cease and desist orders:
Health Spot Shoe Co. et al. 8571
Krane-Berman Clothing Co. et al. 8572

Fish and Wildlife Service
Rules and regulations:
Alaska commercial fisheries; permission to fish for chum salmon and Dungeness crabs in certain waters; southeastern Alaska area; salmon fisheries:
Clarence Strait district 8584
Eastern district 8583
Icy Strait district 8583
Prince William Sound area 8583
Western district 8583
Central Region; Lake Ilo National Wildlife Refuge, North Dakota; fishing 8583

Foreign and Domestic Commerce Bureau
Rules and regulations:
Positive list of commodities and related matters; miscellaneous amendments 8570

Interior Department
See Fish and Wildlife Service.

Interstate Commerce Commission
Notices:
Ann Arbor Railroad Co. et al.; rerouting or diversion of traffic 8604
Applications for relief:
Cement from points in southern territory to West Palm Beach, Fla. 8604
Plaster, plasterboard and related articles from Hanover and Heath, Mont., to points in South Dakota 8604
Vegetables from Florida to points in Canada and the United States 8604
Proposed rule making:
Regulations for transportation of explosives and other dangerous articles 8586
Rules and regulations:
Car service:
Restrictions on movement of unbilled bituminous coal 8583
Use of refrigerator cars for certain commodities prohibited 8582

CONTENTS—Continued

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

States for farmstead and irrigation water facilities under the Water Facilities Program administered pursuant to 50 Stat. 869, as amended, hereinafter referred to as the Water Facilities Act. As used herein, the arid and semiarid areas of the United States include the 17 Western States; namely, Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming.

§ 352.2 *Basic objective.* The objective of the act is to provide facilities for water storage and utilization in the arid and semiarid areas of the United States to alleviate wastage and inadequate utilization of water resources on farm, grazing, and forest lands, thereby contributing to the preservation of natural resources; to the protection of the public health and public lands; and to the prevention of droughts, periodic floods, crop failures, decline in standards of living, and excessive dependence on public relief.

(Sec. 1, 50 Stat. 869; 16 U. S. C. 590r)

§ 352.3 *Area planning*—(a) *Previously approved areas.* All areas previously approved for water facilities operations by the Water Facilities Board and by the Farm Security Administration are adopted as approved areas by the Farmers Home Administration subject to the same limitations covering ground water development contained in the existing authorizations.

(b) *Requirements for area plans.* Approved area plans will be required when applicants residing outside presently approved areas request assistance in the development of ground water for irrigation, either by pumping or artesian flow, beyond the amount which is used under established water rights or water use, before assistance is rendered to such applicants.

§ 352.4 *Types of assistance*—(a) *Loans.* Water Facilities loans may be made for authorized purposes to eligible individuals, or to eligible incorporated associations for such purposes.

(b) *Technical assistance*—(1) *With loans.* Technical assistance will be furnished to individuals and associations receiving loans under this program. Such assistance will include the planning of the facility to be installed, advice and guidance about planning and carrying out farm and home operations, as well as technical supervision in the installation and operation of the facility.

(2) *Without loans.* When eligible applicants make application for technical assistance only and cannot obtain such assistance from public or private sources it may be furnished if personnel can be made available. It may include the same types of assistance as are furnished in connection with loans, except that it may not include actual supervision of the installation or operation of the facility.

(3) *Government responsibility.* The County Supervisor must inform applicants that the Government will not be responsible for or guarantee the successful installation and operation of the facility, and also so inform others who furnish labor, supplies, and equipment to applicants if they inquire.

§ 352.5 *Purposes.* (a) The construction, repair, rehabilitation, reinstatement, or enlargement of farmstead facilities and irrigation facilities. Included are such items and appurtenances thereto as reservoirs, storage and diversion dams, ponds, wells, cisterns, pipelines, storage tanks, stock water tanks, spring development, pumping installations (including windmills and other kinds of motors) and distribution systems, as well as real estate or interest therein necessary for sites or rights-of-way upon which a facility will be located. Water Facilities loan funds may be used to pipe water into the farm dwelling or other farm buildings provided the loan is being made primarily for some other authorized purpose. Loan funds may not be used for plumbing and plumbing fixtures within the dwelling or other buildings or for power plants to generate electricity.

(b) The acquisition of a source of water supply. Included are the purchase of water stock or memberships in an association provided the organizational, financial, and water right situations of such association are sound; the acquisition of a water right through appropriation or purchase; and the acquisition of land with water rights in cases where it is not possible to acquire and transfer the water apart from the land, provided the value of the land without the water rights is an incidental part of the purchase price of the land and the appurtenant water right.

(c) The purchase of stock or memberships in, or the payment of assessments to, an association which will help such association to finance water facilities for which loan funds may be used, *Provided:*

(1) The organization and the financial structure of the association are sound; and

(2) The water facilities plans for the contemplated facility and the water right situation are approved by the Farmers Home Administration.

(d) The cost of hiring labor and equipment for land leveling which is necessary to make efficient use of irrigation water on land owned by the applicant.

(e) The refinancing of debts in the following situations:

(1) Where the indebtedness being refinanced is secured by a lien on an existing facility and the Water Facilities loan is being made for the enlargement or rehabilitation of that facility, and where all of the following conditions are present:

(i) The indebtedness was incurred in the construction or repair of the existing facility;

(ii) The present lienholder is unwilling to make additional advances to place the facility in a satisfactory condition;

(iii) Arrangements cannot be made with the present lienholder to extend or modify the terms of the security instrument(s) in order to provide a satisfactory basis upon which the Water Facilities loan may be made; and

(iv) The amount to be used for refinancing is an incidental part of, and never more than 50 percent of, the total of the Water Facilities loan funds being advanced. In addition, the amount advanced for refinancing may not exceed the value of the existing encumbered facility or the cost of refinancing it, whichever is less.

(2) Where the indebtedness being refinanced is for the discharge of the borrower's obligations for the enlargement or rehabilitation of an existing facility or for the construction of a new facility, if they were incurred at a time when a Water Facilities loan was being processed for those purposes and at a time when all of the following conditions existed:

(i) The Water Facilities loan had been approved, the conditional approval letter had been issued, and the applicant had indicated that he could meet the loan conditions;

(ii) It became necessary, prior to the closing of the loan, but subsequent to the events described in subdivision (i) of this subparagraph, to begin construction of the approved facility in order to avoid loss or damage to the applicant's current crops or loss of a favorable firm offer of equipment or of a contract bid; and

(iii) The loan approving official had consented in writing to the beginning of such construction or to the purchase of materials for the approved facility, with the specific statement that no loan funds would be advanced unless loan approval conditions should be met.

(3) Where the indebtedness being refinanced is for the discharge of the borrower's obligations arising from temporary credit obtained for repair or replacement of a portion of a water facility covered by a mortgage securing an existing Water Facilities loan, if it was obtained by him after a request for a subsequent Water Facilities loan for those purposes and at a time when all of the following conditions existed:

(i) The State Director had determined that the immediate repair or replacement of the facility was necessary to avoid substantial crop damage;

(ii) The security value of the facility would have been substantially lessened by the failure of the part or the whole of the facility needing repair or replacement; and

(iii) The applicant did not have resources with which to pay such costs, could not levy assessments therefor and could not secure credit from other sources on terms which he could be expected to meet.

(f) The purchase of equipment needed by an association having governmental or quasi-governmental functions, such as a soil conservation district, for the purpose of use for construction, installation or maintenance of individual or group water facilities for the farmers served by such association, provided equipment purchased is not otherwise available at reasonable cost or the cost of the projects will be materially lower as the result of such purchase, and the equipment can be used effectively in maintenance work upon such projects.

(g) The purchase of equipment needed by an association or a Water Facilities group service for construction or maintenance of its farmstead or irrigation water system, if:

(1) Equipment purchased for use in construction is not otherwise available at reasonable cost or the cost of the project will be materially lower as the result of such purchase; and it can be used effectively in maintenance work after the project is complete or will be sold and the funds used for other planned costs of the project or returned as payment on the loan.

(2) Equipment purchased for maintenance only can be used effectively and economically throughout its useful life on the water system operated by the group.

(h) The hiring of or contracting for personal services such as services of engineers, attorneys, auditors, construction foremen and laborers needed for the planning, organization, construction or repair of the facility with respect to which a loan is made. Funds to pay costs incidental to loan closing such as those incurred to quiet title, obtain title evidence, and file and record lien instruments, may be included in a Water Facilities loan.

§ 352.6 *Loan terms*—(a) *Interest rate.* Water Facilities loans will bear interest at the rate of three percent (3%) per annum on the unpaid principal balance. Interest will begin as of the date of the loan check for all loans.

(b) *Repayments.* Every Water Facilities loan will be scheduled for repayment within the shortest period of time consistent with the ability of the borrower to repay as reflected in the annual and long-time farm and home plans or comparable documents. No Water Facilities loan, however, will be scheduled for repayment over a period which exceeds the anticipated useful life of either the facility or the security property whichever is the lesser. Also, in no case will the repayment period exceed 20 years from the date of the loan except as provided hereinafter. In no case will the repayment of a loan to an individual be scheduled over a longer period than otherwise necessary in order that the borrower may anticipate additional income to be used in making investments or improvements not essential to the efficient operation of his farm, and not incorporated in the long-time farm and home plan or similar document or in expanding his operation beyond that of an efficient family-type farm. Periodic repayment dates will be scheduled annually. The first installment will be payable not later than the end of the first full crop year after the closing of the loan except where deferment of the first annual payment is authorized hereinafter. The annual repayment dates will correspond to the receipt of income from which payments are to be made.

(1) The first installment of principal and interest may be deferred for a period of not to exceed two full crop years after the proposed facility is placed in operation. A deferment, however, may not be used to extend the term of any loan beyond the repayment period authorized. Deferred payments will be permitted only when the anticipated income during the proposed period of the deferment will be insufficient to meet regular annual installments on the loan as well as the payment of annual farm operating and family living expenses, a reasonable payment on real estate debts, and annual payments on chattel debts roughly equivalent to annual depreciation on chattels owned.

(2) A loan to a water association may be scheduled for repayment over a period longer than 20 years from the date of the loan, but not more than 40 years therefrom, but only when the loan docket contains specific data demonstrating clearly the inability of the association's water users to pay annual assessments or charges totaling enough to enable the association to repay the loan within 20 years or less, and within a period shorter than that scheduled for repayment.

(c) *Farmer contributions.* Individuals and associations, including the members thereof, will be expected to contribute to the cost of any facility to the extent practicable by furnishing such items as funds, labor, materials, and equipment.

(d) *Voluntary services for making surveys and plans.* Association applicants may utilize the compensated or uncompensated services of members or stockholders or other artisans or laborers in the part of the survey and planning undertaken by the association as its contribution to the planning and construction of the facility. However, if services are requested by Farmers Home Administration personnel, as gratuitous services,

(1) Any such request for assistance will be limited to such labor and other forms of aid as can be rendered personally by the individual involved, and

(2) Every person furnishing the assistance must acknowledge in writing that he will provide the assistance gratuitously.

(Sec. 4 (3), 50 Stat. 870; 16 U. S. C. 590u (3))

§ 352.7 *Loan limit.* Not more than $100,000 of Federal funds may be expended for the construction, repair, enlargement, and maintenance or financial assistance to any one project.

(Sec. 7, 54 Stat. 1124, as amended, 63 Stat. 171; 16 U. S. C. 590z–5)

§ 352.8 *Eligibility.* The benefits of the Water Facilities Program will be extended to individuals or to groups of individuals (including associations) whose lands are in use for agricultural purposes, including grazing, or whose lands will be placed in such use as a result of the installation of a proposed water facility.

(a) *Individuals.* An individual is eligible to receive a Water Facilities loan for authorized purposes, *Provided:*

(1) The individual is a farm owner or farm tenant whose lands are in need of water facilities to promote sound operations.

(2) The individual cannot obtain credit for the purpose of the loan on reasonable terms and conditions and in sufficient amount from commercial banks, cooperative lending agencies, or from any other responsible source available in or near the community in which he resides.

(3) The farm unit on which the facility will be installed is not substantially larger than a family-type farm for the area and the individual applicant does not operate a farm unit substantially larger than a family-type farm for the area. A loan may be made to install water facilities on a farm smaller than an efficient family-type farm when such farm is something more than a subsistence unit or rural residence, and when the proposed facility will maintain or increase the output of farm commodities produced for sale; planned farm operations will produce a substantial but not necessarily a major portion of the total family cash income; and cash in-

come from the farm operations will be larger than the cash farm operating expenses.

(b) *Joint operators.* When individuals own and operate a farm together, they may receive separate loans or a joint loan, provided, in either case: (i) The individuals jointly or severally cannot obtain credit for the purpose of the loan on reasonable terms and conditions and in sufficient amounts from commercial banks, cooperative lending agencies, or from any other responsible source in or near the community; (ii) a major portion of each individual's labor will be spent in the actual operation and management of the farm unit; and (iii) the acreage if divided among the individual owners would not constitute farms substantially larger than a family-type unit for each family represented.

(c) *Associations.* A nonprofit association having all corporate powers necessary to the borrowing and repayment of the loan and the operation of the water facility financed with the loan is eligible to receive a Water Facilities loan for authorized purposes; also a corporation organized for a profit, having the necessary powers to borrow and to repay the loan and to operate the water facility, will be eligible to receive a Water Facilities loan, but only upon approval of the Administrator, upon such conditions as may be prescribed by the Administrator, and upon the further condition that, within such time as the Administrator may prescribe, it will convey the facility to, to be operated on a nonprofit basis by and for the benefit of, the users of water therefrom, either incorporated or unincorporated; provided, in either case:

(1) Owners or tenants operating farm units of the size specified in paragraph (a) (3) of this section will use the major portion of the water to be made available by the facility.

(2) The association does not have sufficient funds to carry out the objectives for which the loan is sought and cannot obtain such funds by levying special assessments or charges on its members, or on reasonable terms and conditions from commercial banks, cooperative lending agencies, or from any other responsible source normally serving the area.

(d) *Unincorporated water associations.* An unincorporated water association is not eligible to receive a Water Facilities loan. However, Water Facilities loans may be made to individuals to participate in an unincorporated water association or water facilities group service approved by the Farmers Home Administration.

(e) *Certification by applicant.* Each applicant for a Water Facilities loan, individual or association, must certify, before a loan is approved, that he is unable to obtain credit on reasonable terms and conditions and in sufficient amount, from commercial banks, cooperative lending agencies, or from any other responsible source available in or near the community in which he resides, to carry out the objectives for which the Water Facilities loan is sought.

(f) *Certification by County Committee.* No Water Facilities loan, initial or subsequent, may be made unless the County Committee certified in writing that the applicant is eligible to receive a Water Facilities loan under the appropriate requirements of paragraphs (a), (b) and (c) of this section.

(g) *Administrative determination.* All certifications by County Committees that applicants are eligible to receive Water Facilities loans are subject to administrative review and final determination. The loan approval officer is directed to determine whether an applicant so certified by the County Committee is eligible to receive a Water Facilities loan. In making such determination, the loan approval officer will take into consideration the certifications of the applicant and of the County Committee, and other pertinent information. Generally, the applicant will not be required to submit a written notice of rejection for credit from other available credit sources. However, the County Committee or loan approval officer should state what attempts have been made to secure other credit and may require such a written notice of rejection in doubtful cases.

§ 352.9 *Planning—(a) Water Facilities plans.* Water Facilities plans will be developed as a means of determining costs and feasibility of proposed water facilities to be constructed with loans and as a guide for subsequent installations of such facilities.

(b) *Farm and home plans.* Farm and home plans will be developed. A loan to a non-operating owner will be based upon a financial statement, a statement of income and expenses, and an appraisal report as set out in Part 354 of this subchapter.

(c) *Group plans—(1) Water Facilities group services.* At the time the initial assistance is rendered to a Water Facilities group service, an operating plan, and an operating budget will be developed with the group. Annually thereafter, until all loans have been repaid, the group will be required to summarize the operations for the past year and review and modify, if necessary, the operating plans and prepare a budget for the coming year's operations.

(2) *Water Facilities associations.* A loan to an association will be based on a financial report consisting of a balance sheet and an operating statement showing the results of operations for the association's last fiscal year, and a budget showing estimated receipts and expenditures for the next fiscal year. Annually thereafter, the Board of Directors will summarize operations for the past year and submit to the Government for approval a financial report and a budget for the next year's operations.

§ 352.10 *Water rights.* Assistance will be extended under this program only to applicants who comply with all applicable state laws with respect to the appropriation and use of water. In the absence of state laws requiring filing, but where state rules and regulations do not prevent the filing of an application for, or of notice of appropriation of, a water right, such filing will be required for all loans for irrigation purposes and association loans for farmstead systems involving a new or additional appropriation or use of water.

§ 352.11 *Tenure.* (a) Credit under this program will be extended to individual applicants who have reasonable assurance of the use of the land on reasonable terms and for a period of time sufficient to permit the repayment of the Water Facilities loan. If individual applicants are in default under the terms of their leases, purchase contracts, or mortgages, they will be required before loans are made to make arrangements with their landlords or land creditors for removing such defaults which in the opinion of the loan approving official can be carried out.

(b) When a loan is made to a tenant, the landlord will be required to compensate the tenant for the improvement to the real estate. This may be accomplished through such methods as extended tenure, reductions in rent, repayment of residual value, removal of the facility, or other equitable adjustments in tenure.

§ 352.12 *Security.* All Water Facilities loans will be secured in a manner which will adequately protect the Government's financial interest.

(a) *Loans to individuals.* (1) Except as provided in paragraph (a) (2), (3), and (4) of this section, each Water Facilities loan will be secured by the best lien obtainable on real estate and water rights owned or to be acquired by the applicant. When a junior lien is taken on real estate it must be determined that the applicant's equity has substantial security value. It is preferable that the lien taken cover the real estate upon which the facility is installed and that which it serves. When a junior lien is taken on real estate, a first lien will be obtained on any mortageable property purchased with the loan. All liens on real estate will be taken subject to the title requirements in Part 354 of this subchapter.

(i) When a lien on real estate plus a first lien on mortgageable property purchased with the loan will not provide adequate security, the applicant will be required to give a lien on other property of the types listed in subparagraph (2) of this paragraph or obtain from his land creditor(s), if any, an agreement to pay in the event of foreclosure, the residual value of the facility or the unpaid balance of the loan, or to do both if necessary to adequately secure the loan.

(ii) The applicant may be required to obtain from his land creditor(s) an agreement to pay the residual value of the water facility or the unpaid balance of the loan when the debt(s) secured by prior lien(s) has (have) unreasonable repayment schedules, when prior lien instruments contain unlimited future advance clauses, or when the real estate is being acquired pursuant to a purchase contract.

(2) When a real estate lien cannot be obtained, or, if obtained, would have no significant security value, the loan will be secured by a first lien on the mortgageable property purchased with the loan plus a lien on other property of the

quality and value set forth in subdivision (i), (ii) and (iii) of this subparagraph:

(i) A first lien on selected items of livestock, farm equipment, or both.

(ii) A first lien on crops when a first lien on other personal property is not available.

(iii) A junior lien on selected items of livestock, farm equipment, or crops, subject only to outstanding liens held by the Farmers Home Administration as security for operating loans.

(3) Water Facilities loans only for the purchase of portable equipment, such as pumps, motors, and sprinkler systems may be secured by liens in either of the methods provided in subparagraphs (1) and (2) of this paragraph.

(4) When a loan is made only for the purchase of shares of water stock, such stock will be pledged or assigned as security for the loan. No other security will be required if the stock represents a right to receive water for irrigation purposes, if it can be resold readily by the pledgee or assignee, and if the purchase price is no greater than the price at which stock in the particular company is normally sold.

(5) A lien will be taken also on the rights-of-way and easements owned or acquired by the borrower for use in connection with the proposed facility, if it is necessary to do so in order to protect adequately the Government's financial or security interests. Applicants will obtain partial releases or consents to easements and rights-of-way across privately owned tracts of land from any holders of outstanding liens disclosed by the forms of title evidence required by Part 354 of this subchapter.

(b) *Loans to associations.* (1) A first lien, if obtainable, will be taken on real and personal property, exclusive of easements, rights-of-way, and water rights, owned by the applicant at the time the loan is approved. If a first lien is not obtainable, junior mortgages on such property may be taken.

(2) A first lien will be taken on real and personal property acquired with loan funds exclusive of easements, rights-of-way, and water rights.

(3) A mortgage lien will be taken on the interest of the applicant in all easements, rights-of-way, and water rights used in connection with the facility. In some instances such easements or rights-of-way will involve private lands, and will not be derived pursuant to state statutes authorizing the installation of water or irrigation works across lands of other owners. In such cases, associations will obtain partial releases or consents to such easements and rights-of-way from holders of outstanding liens which are disclosed by real estate lien searches covering a period of at least ten years prior to the execution of the easements, and so forth.

(4) Assignments of association income will be taken as additional security.

(5) Bonds creating liens on lands served by an association having governmental or quasi-governmental functions, such as irrigation districts, may be accepted in lieu of liens on the kinds of property listed in subparagraphs (1), (2) and (3) of this paragraph, and assignments of income, *Provided:*

(i) Statutes do not confer upon such associations the authority to mortgage the water facilities operated by them and to assign income from that part of assessments, taxes, or charges levied to repay the loans; and

(ii) All statutory requirements pertaining to the authorization, sale and acceptance of the bonds are met.

§ 352.13 *Insurance*—(a) *When required.* Insurance will be required on mortgageable property (except windmills and their towers) purchased with the loan when the location, character, and construction of the facility is such that it is subject to destruction or damage by fire, windstorm, or tornado to the extent of $500 or more. When real estate is taken as loan security, insurance will be required on the dwelling and the other farm buildings thereon without which the borrower could not continue successful farming operations. This insurance will cover destruction, loss, and damage from fire, lightning, windstorm, and any other hazard covered customarily in the area.

(b) *Amount of insurcnce.* (1) When real estate is not taken as security and insurance is required on the mortgageable property purchased with the loan, the amount of that insurance will be equal to the depreciated replacement value of such property or the amount of the loan, whichever is less.

(2) When a first real estate mortgage is taken, the amount of insurance required will be equal to the depreciated replacement value of the mortgageable property purchased with the loan and of the farm buildings required to be insured, or the amount of the Water Facilities loan, whichever is less.

(3) When a second real estate mortgage is taken, the amount of insurance required will be equal to the depreciated replacement value of the mortgageable property purchased with the loan and of the farm buildings required to be insured, or the unpaid amount of the first mortgage plus the amount of the Water Facilities loan, whichever is less.

§ 352.14 *Subsequent loans.* Subsequent Water Facilities loans may be made under the same policies, requirements, limitations, and procedures as for initial loans, if the loan limit set out in § 352.7 is not exceeded thereby, where one or more of the following situations exist:

(a) A need for additional credit in connection with the facility exists because of a catastrophe, such as a storm, flood, earthquake, failure of water supplies, and so forth.

(b) An expansion or corrective action is needed in connection with the facility which could not be foreseen at the time the initial loan was made.

(c) To complete a facility begun with the initial loan where increased costs which cannot be absorbed by the applicant make the subsequent loan necessary for the protection of the investment of the Government.

(Sec. 7, 54 Stat. 1124, as amended, 63 Stat. 171; 16 U. S. C. 590z–5)

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

SEPTEMBER 16, 1952.

Approved: September 22, 1952.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52–10428; Filed, Sept. 25, 1952; 8:45 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

Subchapter A—Commodity Standards and Standard Container Regulations

PART 44—UNITED STATES STANDARDS FOR GRADES OF EDIBLE SUGARCANE MOLASSES

Correction

In F. R. Doc. 52–7571, appearing at page 6181 of the issue for Thursday, July 10, 1952, make the following change:

In column 1 on page 6184, line 5, "Cu $Cl_2 \cdot 6H_2O$" should read "$CoCl_2 \cdot 6H_2O$".

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter C—Procedural Regulations

[Regs., Serial No. PR–18]

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

INTERVENTION BY CITIES, OTHER PUBLIC BODIES, AND CHAMBERS OF COMMERCE

Correction

In F. R. Doc. 52–10301, appearing at page 8452 of the issue for Saturday, September 20, 1952, the following change should be made:

The seventeenth line of the first column on page 8453, "of a party under § 302.15 (c) (3) to the", should read "of a party under § 302.15 (c) (3) to file".

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[6th Gen. Rev. of Export Regs., Amdt. P. L. 10]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Correction

In F. R. Doc. 52–10030, appearing at page 8351 of the issue for Wednesday, September 17, 1952, make the following change:

In column 1 on page 8352, the line reading "4. The following revisions are made in commodity descriptions. These revisions" should read "3. The following additions are made to conform with revisions in *Schedule B*,".

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5842]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

HEALTH SPOT SHOE CO. ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.130 *Manufacture or preparation;* § 3.170 *Qualities or properties of product or service.* Subpart—*Misbranding or mislabeling:* § 3.1255 *Manufacture or preparation;* § 3.290 *Qualities or properties.* Subpart—*Using misleading name—Goods:* §3.2325 *Qualities or properties—Vendor:* § 3.2450 *Products.* In connection with the offering for sale, sale and distribution in commerce, of respondents' shoes designated by them as "Health Spot Shoes," or any other shoe of similar construction, (1) using the name "Health Spot Shoe Company" or any name in which the word "Health" appears in ordinary business transactions unless in immediate conjunction therewith there appear clearly and conspicuously the words "a corporate and trade name only"; (2) using in any advertisement of respondents' shoes the word "Health" or any other word importing a like or similar meaning, alone or in combination with any other word or words, to designate, describe or refer to respondents' shoes, or representing in any manner that the wearing of respondents' shoes will prevent or correct abnormalities of the feet, keep the feet healthy, prevent the development of abnormalities or deformities or will correct any disorder of the feet; (3) representing, directly or by implication, that the use of their shoes will prevent weak feet, weak ankles, inrolling ankles, weak and broken down arches, faulty posture, or will correct such conditions where they exist; (4) representing, directly or by implication, that their shoes possess features and characteristics which will prevent or correct any common foot ailment; (5) representing, directly or by implication, that the use of their shoes in the case of children will promote proper foot and postural development or provide the necessary support to the feet and arches in cases of ankle pronation; or (6) representing, directly or by implication, that the use of their shoes will assure comfort to the user, provide foot and body balance, eliminate foot fatigue, keep the ankles straight and strong or will hold the heel in normal position; prohibited, subject to the provision, however, that the prohibitions of "1" and "2", insofar as they relate to labels in or on shoes manufactured or in process of manufacture on the date the order is issued, and cartons or containers in which said shoes are now or may be packaged, and existing supplies used for business and not advertising purposes such as letterheads, envelopes, cards, sales books, and checks shall become effective on and after six months from the date the order is issued; and subject to the further provision that the marketing by respondent of any of said shoes, manufactured or in process of manufacture when the order is issued and on hand and unsold at the expiration of the six months' period above referred to, under a new name and with the words "Formerly Health Spot Shoes" appearing clearly and conspicuously and in immediate conjunction therewith shall not be construed as a violation of the order.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Health Spot Shoe Company, Oconomowoc, Wisconsin, Docket 5842, June 24, 1952]

In the Matter of Health Spot Shoe Company, a Corporation, and George E. Musebeck and Willard A. Andrews, Individually and as Officers of Said Corporation

This proceeding was heard by Webster Ballinger, hearing examiner, upon the complaint of the Commission, respondents' answers, and hearing at which testimony, documents, and a stipulation were offered on behalf of both parties by their respective counsel and admitted in evidence.

Thereafter the proceeding regularly came on for final consideration by said examiner, theretofore, duly designated by the Commission, upon the complaint, the answers thereto, testimony and other evidence, which was duly filed in the office of the Commission, requested findings, and conclusion and form of order submitted by counsel for the complaint, oral argument having been waived, and said examiner, having duly considered the record in the matter and having found that the proceeding was in the interest of the public, made his initial decision comprising certain findings as to the facts,[1] conclusion[1] drawn therefrom, and order to cease and desist.

No appeal having been filed from said initial decision of said hearing examiner as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII became the decision of the Commission on June 24, 1952.

The said order to cease and desist is as follows:

It is ordered, That the respondents Health Spot Shoe Company, a corporation, its officers, agents, representatives and employees, and George E. Musebeck and Willard A. Andrews, individually and as officers of said corporation, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of their shoes now designated by them as "Health Spot Shoes," or any other shoe of similar construction, do forthwith cease and desist from:

1. Using the name "Health Spot Shoe Company" or any name in which the word "Health" appears in ordinary business transactions unless in immediate conjunction therewith there appear clearly and conspicuously the words "a corporate and trade name only."

2. Using in any advertisement of respondents' shoes the word "Health" or any other word importing a like or similar meaning, alone or in combination with any other word or words, to designate, describe or refer to respondents' shoes, or representing in any manner that the wearing of respondents' shoes will prevent or correct abnormalities of the feet, keep the feet healthy, prevent the development of abnormalities or deformities or will correct any disorder of the feet.

3. Representing, directly or by implication, that the use of their shoes will prevent weak feet, weak ankles, inrolling ankles, weak and broken down arches, faulty posture, or will correct such conditions where they exist.

4. Representing, directly or by implication, that their shoes possess features and characteristics which will prevent or correct any common foot ailment.

5. Representing, directly or by implication, that the use of their shoes in the case of children will promote proper foot and postural development or provide the necessary support to the feet and arches in cases of ankle pronation.

6. Representing, directly or by implication that the use of their shoes will assure comfort to the user, provide foot and body balance, eliminate foot fatigue, keep the ankles straight and strong or will hold the heel in normal position.

It is further ordered, That the foregoing Paragraphs One and Two insofar as they relate to labels in or on shoes manufactured or in process of manufacture on the date this order is issued, and cartons or containers in which said shoes are now or may be packaged, and existing supplies used for business and not advertising purposes such as letterheads, envelopes, cards, sales books, and checks shall become effective on and after six months from the date this order is issued.

It is further ordered, That the marketing by respondent of any of said shoes, manufactured or in process of manufacture when this order is issued and on hand and unsold at the expiration of the six months' period referred to in the preceding paragraph, under a new name and with the words "Formerly Health Spot Shoes" appearing clearly and conspicuously and in immediate conjunction therewith shall not be construed as a violation of this order.

By "Decision of the Commission and order to file report of compliance," Docket 5842, June 17, 1952, which announced and decreed fruition of said initial decision, report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing set-

[1] Filed as part of the original document.

ting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 17, 1952.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 52-10462; Filed, Sept. 25, 1952; 8:49 a. m.]

[Docket 5955]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

KRANE-BERMAN CLOTHING CO. ET AL.

Subpart—*Misbranding or mislabeling:* § 3.1190 *Composition: Wool Products Labeling Act;* § 3.1325 *Source or origin—Wool Products Labeling Act.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1845 *Composition—Wool Products Labeling Act;* § 3.1900 *Source or origin—Wool Products Labeling Act.* In connection with the introduction of manufacture for introduction into commerce, or the offering for sale, sale, transportation, or distribution in commerce of men's trousers or other wool products, as defined in and subject to the Wool Products Labeling Act of 1939, which contain, purport to contain, or in any way are represented as containing, "wool," "reprocessed wool," or "reused wool," as those terms are defined in said act, misbranding such products by, (1) falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers therein; (2) failing to securely affix to or place on each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner, (a) the percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weght, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers; (b) the maximum percentages of the total weight of such wool product of any non-fibrous loading, filling, or adulterating matter; and (c) the name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution or delivering for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939; prohibited, subject to the proviso, however, that the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; and to the further provision that nothing contained in the order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

(Sec. 6, 38 Stat. 722, sec. 6, 54 Stat. 1131; 15 U. S. C. 46, 68d. Interprets or applies sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U. S. C. 45, 68–68c) [Cease and desist order, Krane-Berman Clothing Company, New York, N. Y., Docket 5955, June 21, 1952]

In the Matter of James Berman and Benjamin Krane, Individually and as Partners, Doing Business as Krane-Berman Clothing Company

This proceeding was heard by John Lewis, hearing examiner, upon the complaint of the Commission, and separate stipulation as to the facts by each of the respondents, whereby it was agreed that a statement of facts signed and executed by counsel for the respective respondents and counsel in support of the complaint might be taken as the facts in the proceeding, and in lieu of evidence in support of the charges stated in the complaint or in opposition thereto, and that the hearing examiner might proceed upon said statement of facts to make his initial decision stating his findings as to the facts, including inferences which he might draw from the said stipulations, and his conclusion based thereon, and enter his order disposing of the proceeding as to each of said respondents, without the filing of proposed findings and conclusions or the presentation of oral argument.

Thereafter the proceeding regularly came on for final consideration by said examiner, theretofore duly designated by the Commission, upon the complaint and the aforesaid stipulations as to the facts, each of which also provided that the Commission might, if the proceeding came before it upon appeal from the initial decision of said examiner or by review upon the Commission's own motion, set aside the same and remand the case to said examiner for further proceedings under the complaint, and each of which had been approved by said examiner and made a part of the record, and said examiner, having duly considered the record and having found that the proceeding was in the interest of the public, made his initial decision comprising certain findings as to the facts,[1] conclusion [1] drawn therefrom, and order to cease and desist.

No appeal having been filed from said initial decision of said hearing examiner as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII became the decision of the Commission on June 21, 1952.

The said order to cease and desist is as follows:

It is ordered, That the respondents, James Berman and Benjamin Krane, individually and as partners, doing business as Krane-Berman Clothing Company, or under any other name, names or designation, and said respondents' respective representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation, or distribution in commerce, as "commerce" is defined in the aforesaid acts, of men's trousers or other wool products, as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain, or in any way are represented as containing, "wool," "reprocessed wool," or "reused wool," as those terms are defined in said act, do forthwith cease and desist from misbranding such products by:

(1) Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers therein;

(2) Failing to securely affix to or place on each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentages of the total weight of such wool product of any non-fibrous loading, filling, or adulterating matter;

(c) The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution or delivering for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939.

Provided, That the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939, and

Provided further, That nothing contained in this order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

By "Decision of the Commission and order to file report of compliance," Docket 5955, June 17, 1952, which announced and decreed fruition of said initial decision, report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 17, 1952.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 52-10463; Filed, Sept. 25, 1952 8:49 a. m.]

[1] Filed as part of the original document.

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 23, Amdt. 5]

CPR 23—Live Cattle

MODIFICATION OF REPORTING REQUIREMENTS AND MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, Delegation of Authority by the Secretary of Agriculture with respect to meat, as amended, Economic Stabilization Agency General Order No. 2, and Economic Stabilization Agency General Order No. 5, Revision, this Amendment 5 to Ceiling Price Regulation 23 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment makes several changes in Ceiling Price Regulation (CPR) 23.

(1) In extending the Defense Production Act on July 1, 1952, Congress stated it to be its policy to ease reporting requirements with respect to sales which are below ceiling prices. Although CPR 23 is a regulation based on maximum costs rather than ceiling prices, this amendment will parallel the policy of the Congress with respect to ceiling price reports by suspending all reporting requirements of that regulation for the time being. Market prices on all grades of cattle have been somewhat under maximum prices stated in the regulation in most of the country since June. Therefore, in conformity with Congressional policy, it is possible to suspend maximum cost reports at this time.

However, it is probable that cattle of Prime, Choice and Good grades will again be selling at higher prices in the near future, for the decline in market prices for the higher grades has been partly seasonal and also markedly less than that for Commercial, Utility and Cutter and Canner grades. In the preparation of this amendment, consideration has been given to limiting compliance and reporting requirements to the top three grades; however, largely in order to conform with parallel Congressional policy, all reporting requirements, but no compliance requirements, are suspended at this time. If the present spread between prices for the higher and lower grades of cattle continues, it is likely that, if prices stiffen, the top grades may approach maximum permissible prices although the lower grades may remain substantially below their maximum. In that event, the present compliance and reimposed reporting requirements may be limited to prices paid for cattle of Prime, Choice, and Good grades.

It must be understood that the suspension of reports does not mean that this entire regulation is suspended. The other provisions of CPR 23 remain in effect. Purchases of cattle of all grades must be made at all times in compliance with the maximum costs set by this regulation. Records required by this regulation must also be kept. The live cattle market is not soft enough to permit suspension of controls under the applicable OPS standards.

(2) A permanent change in the reporting requirements is also made by this amendment. Hereafter these requirements will cover only slaughterers of 20 or more head of cattle per accounting period. This change will eliminate reporting requirements for a very substantial number of the country's cattle slaughterers without materially reducing the volume of slaughter on which reports are required.

Experience has demonstrated that purchases by small slaughterers of a total of less than 20 cattle per accounting period exert but little pressure on cattle prices. These slaughterers will remain subject to the price compliance and some record keeping requirements of this regulation; but because of their relatively minor role in the live cattle picture, their reports can be discontinued. Hereafter, Drove Compliance Report (OPS Public Form 13, Revised) filing requirements will be as follows:

Slaughterers killing 20 or more head of cattle in any one establishment for their own account during any accounting period must file OPS Public Form 13, Revised, for that accounting period and for each accounting period thereafter. However, if in any subsequent accounting period they slaughter less than 20 cattle in any establishment for their own account, they need answer only the first five items on the Form.

Slaughterers who kill some but not more than 19 head of cattle in any one establishment for their own account during the first accounting period governed by this amendment must file a statement indicating this fact and that they will file OPS Public Form 13, Revised, for the next subsequent accounting period during which their cattle slaughter, in any establishment for their own account, is 20 or more head. In that case they shall be subject to the provisions of the preceding paragraph thereafter.

Slaughterers who kill no cattle at all are exempt from filing any statements pursuant to Section 8 of this regulation. It is a violation of this regulation to slaughter cattle without filing either OPS Public Form 13, Revised, or the statement referred to above.

This amendment also relieves slaughterers of less than 20 cattle for their own account in any one establishment during an accounting period from the requirement of filing a report on OPS Public Form 14 every time their maximum calculated prices change. They need file such a report only with the first OPS Public Form 13, Revised, filed after such a change.

These provisions shall become effective with the first accounting period after the effective date of this amendment when reports are next required.

(3) For the same reason, Section 7 is amended to relieve small slaughterers of the record keeping burden on adjusted costs, killing floor work sheets, and other records specified in subsections 7 (a) (7), 7 (b) and 7 (c) for accounting periods during which they are not required to file OPS Public Form 13, Revised. However, such slaughterers must keep for all accounting periods the other records required by section 7 (a).

(4) This amendment makes it clear that slaughterers who take hot weights after washing and shrouding must deduct the actual weight of all "tare" materials involved in weight-taking appropriate to their operations and method of weighing, including wet or dry shrouds, whichever are used. It also provides that a slaughterer having no facilities for taking hot weights shall, in reporting the chilled carcass weight of beef slaughtered, use the weight of carcasses obtained at least 24 hours after slaughter.

(5) The amendment requires that each lot of cattle killed be given a separate lot number. This will permit identification of the number of head, live weight and cost of the cattle for each lot. Each lot is to retain this identity during all plant operations of slaughtering, weighing, chilling and grading.

(6) The Instructions in Appendix A which explain how to determine maximum permissible cost and how to fill out OPS Public Form 13 have been revised to reflect changes in reporting requirements due to amendments to the regulation and to changes in the report form.

The revised OPS Public Form 13 removes the requirement of reporting number of head, weights, and costs in connection with condemned cattle.

Provision is made to omit the reporting of live weights by a slaughterer in cases where undue hardship would be caused by the requirement of weighing the cattle. The weighing may be omitted upon the filing of a statement including but not limited to the distance the cattle would have had to be transported to the nearest scale, if weighed.

Provision is made for reporting the killing of cattle raised by a slaughterer from the time of their birth. Since no purchase cost is involved for such cattle they are not subject to drove cost compliance. However, the number of head and live weight of such cattle killed is to be reported with the number of cattle fed more than 120 days, for the purposes of obtaining more complete information from slaughterers and of facilitating cross-checking the reports filed.

Instructions for reporting on transportation costs are made more specific. Since some cattle are purchased with the intention of feeding them before they are killed, transportation charges from the point of purchase to the feedlot and for transshipment, if any, between feedlots, are required to be reported as a part of the purchase cost. The reasons supporting the freight deduction, provided in the regulation, for transportation cost on cattle purchased for immediate slaughter do not apply to cattle purchased for feeding. Such deductions, used in determination of adjusted costs, are predicated in part on the need to compensate for tissue shrink enroute. There is no justification for, and the regulation does not permit, such an adjustment on cattle shipped to a feedlot.

In some instances slaughterers obtain all cattle at markets within their im-

mediate vicinity. If no transportation costs are incurred, slaughterers must show on their reports that such cattle were all purchased locally.

Cattle purchased for immediate slaughter sometimes undergo a transportation delay beyond the control of the slaughterer so that they become subject to the feedlot cost addition, without benefiting by gain in weight or grade because of feeding operations. Therefore, this amendment provides that when cattle purchased for immediate slaughter are delayed enroute more than 8 days, for reasons beyond the control of the slaughterer, no feedlot costs need be added until the 4th day after delivery. This will allow sufficient time to prepare such cattle for slaughter, without causing the slaughterer to make the feedlot cost addition.

(7) Section 6 is revised with respect to price exemptions for "club" and "show" cattle, and the certificates required to support such purchase cost exemptions. The president, secretary or manager of a fair or show have been designated as proper officials to apply for OPS approval to hold sales of competitively exhibited "club" or "show" cattle on a price exempt basis, and to issue such certificates of exemption. Uniformity in the procedures of applying for exemptions and for certifications has been provided by making one certificate form applicable to both "club" and "show" cattle. Further, the provisions of this section have been correlated as far as possible with the parallel provisions of Distribution Regulation 1, Revision 1.

(8) This regulation does not prohibit the purchase of cattle on a dressed grade and yield basis. To make the intention of the regulation in this regard clear, section 3 is amended to state specifically that this method of purchasing cattle is permitted and that such purchases are subject to the record keeping and cost reporting requirements of the regulation.

(9) The definition of "live weight" as set forth in section 11 (i) is expanded to cover the transfer weight at the time a slaughterer's own fed cattle are transferred from his feedlot to slaughter. Definitions of "own account" and of "dressed carcass" are added.

CONCLUSIONS

In formulating this amendment, the Director of Price Stabilization has consulted so far as practicable with industry representatives, including trade association representatives, and has given full consideration to their recommendations. In his judgment the provisions of this amendment are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, are necessary and appropriate to promote the National Defense, and comply with all the applicable standards of the act.

All standards prescribed in this amendment were, prior to the issuance of CPR 23, in general use in the livestock and meat industry. Such standards as are prescribed are indispensable to price control of live cattle, since no practicable alternative to such standardization exists for securing effective price control of this commodity. It is not believed that this amendment will cause any substantial changes in business practices, cost practices or methods, or means or aids to distribution; however, to the extent that such changes may be compelled, they are necessary to prevent circumvention or evasion of CPR 23, as amended.

AMENDATORY PROVISIONS

Ceiling Price Regulation 23 is amended in the following respects:

1. Section 3 is amended by adding the following paragraph (c) at the end of that section to read as follows:

(c) Nothing in this regulation shall be construed as prohibiting the purchase of live cattle at a price to be determined on the basis of the dressed yield and grade of beef derived from the slaughter of such animals. However, purchases made in this manner are subject to all applicable requirements of this regulation.

2. Section 4 (a) is amended to read as follows:

(a) Regardless of any contract, agreement or other obligation, if a slaughter has slaughtered in a particular establishment during an accounting period 20 or more cattle, (1) his adjusted cost for all steers, heifers, cows and stags slaughtered by him in that establishment during that accounting period and slaughtered within 120 days of purchase, may not exceed his maximum permissible cost for such steers, heifers, cows and stags, and (2) his adjusted cost for all bulls slaughtered by him in that establishment during that accounting period and slaughtered within 120 days of purchase may not exceed his maximum permissible cost for such bulls.

3. Section 5 is amended by adding a new paragraph (f) to read as follows:

(f) The president, secretary or manager of a fair, show, or exhibition is prohibited from issuing exemption certificates for the sale of "club" cattle or "show" cattle except as provided in section 6.

4. Section 6 is amended to read as follows:

SEC. 6. *Exempt purchases.* (a) The following purchases of cattle are exempt from this regulation if all the applicable conditions specified in this section 6 are complied with:

(1) *Club cattle.* (i) Purchases of live cattle from members of 4-H clubs, Future Farmers of America, or other recognized farm youth organizations, at sales made at the place and time of a fair, show or exhibition.

(ii) Purchases of one head of live cattle per club member per year from members of 4-H clubs, Future Farmers of America, or other recognized farm youth organizations at a public stockyard which is under the jurisdiction of the Secretary of Agriculture pursuant to the Packers and Stockyards Act, 1921, as amended.

(2) *Show cattle.* Purchases of live cattle which have been exhibited in competition at a fair, show or exhibition, if the cattle were purchased by you in the course of a regularly scheduled public sale held at the place and time of such fair, show, or exhibition.

(b) *Application for permission to issue exemption certificates.* The president, secretary, or manager of the organization promoting a fair, show or exhibition must apply in writing to the OPS District Office for the area where the fair, show, or exhibition is to be held for permission to issue certificates exempting "club" and "show" cattle from this regulation. However, in the case of an international fair held outside the 48 States of the United States and the District of Columbia, application shall be made to the nearest OPS District Office.

(c) *Approval by OPS District Office to issue exemption certificates.* The OPS District Office will authorize the president, secretary or manager of the organization promoting the fair, show, or exhibition to issue to purchasers, or to the exhibitors of "club" cattle to be later sold at a public stockyard, certificates exempting from this regulation "club" or "show" cattle subject to the following conditions:

(1) *For "club" cattle.* The animal or animals are bona fide project animals fed in an original club under the direction of the United States Department of Agriculture Extension Service or a recognized State Agency. In the case of "club" cattle to be later sold at a public stockyard, the president, secretary or manager of the fair, show, or exhibition will issue the exemption certificate only in cases where (i) the "club" animal has been entered and officially accepted for exhibition and actually exhibited at a fair, show, or exhibition; and (ii) the seller has certified in writing that he has not sold any cattle on an exempt basis under this section 6 during the current calendar year.

(2) *For "show" cattle.* (i) The fair, show, or exhibition is recognized as being of county, state, regional (embracing more than one state), national or international character;

(ii) The organization promoting such fair, show, or exhibition has been in existence prior to 1951 or is the bona fide successor to an organization which was in existence prior to 1951.

(iii) The fair, show, or exhibition has been promoted and held as a regular event prior to 1951; and

(iv) The traditional events occurring at such fair, show, or exhibition until 1951 included a regularly scheduled public sale for slaughter of some or all of the cattle exhibited.

(d) *Issuance of exemption certificates.* After the president, secretary or manager has received from the OPS District Office approval to issue exemption certificates on "club" or "show" cattle (OPS Public Forms 44, Revised) at the fair, show or exhibition, he shall make such announcement at the time of the opening of the event. He shall make an original and two copies of each exemption certificate he issues. He shall give the original and one copy of such exemption certificate to the purchaser of "club" or "show" cattle, or to the exhibitor in the case of a "club" animal to be sold later at a public stockyard. He shall, on the

closing date of the fair, show or exhibition, forward to the District Office which approved the application for exemption the third copy of each certificate issued. Each exemption certificate must contain the following information:

(1) Name of the organization conducting the fair, show or exhibition, and the place and date at which it was held.

(2) The location of the OPS District Office which approved the fair, show or exhibition, and the date of such approval.

(3) Name and address of the person purchasing the cattle; or in the case of one head of "club" cattle to be sold later at a public stockyard, the name and address of the "club" member exhibitor.

(4) The number and live weight of the cattle purchased, or to be later sold at a public stockyard.

(5) A statement that:

(i) *In the case of "club" cattle,* the animal or animals listed on the certificates were bona fide project animals fed in an organized club (naming the club) under the direction of the United States Department of Agriculture Extension Service or a recognized State Agency; or

(ii) *In the case of "show" cattle,* that each of the animals listed on the certificate was entered and officially accepted for exhibition purposes at the fair, show or exhibition and in fact was exhibited there in competition. For the purposes of this paragraph, cattle which have been rejected for, or barred from, competitive exhibition prior to the holding of the event in which competition winners are selected, shall not be deemed to have been exhibited at such fair, show or exhibition.

(6) The signature of the president, secretary or manager of the fair, show or exhibition.

(e) *Sales of Club cattle at a public stockyard.* (1) A member of a recognized youth organization who has exhibited in competition one head of "club" cattle at a fair, show or exhibition but did not sell the animal there may obtain from the president, secretary or manager of the fair, show or exhibition an exemption certificate authorizing the sale of that animal at a public stockyard which is under the jurisdiction of the Secretary of Agriculture pursuant to the Packers and Stockyards Act, 1921, as amended. The member shall endorse on the original and one copy of the certificate that (i) he is a member of a recognized youth organization, named and defined as referred to in section 6 (a) (5) (1) above; (ii) the animal to be sold at the public stockyard was owned and raised by him and was competitively exhibited at a fair, show or exhibition; and (iii) he has not sold any cattle on an exempt basis pursuant to this Section 6 during the current calendar year.

(2) The original and one copy of the exemption certificate containing the endorsement required in paragraph (1) above shall be presented by the member to the manager of the public stockyard at which the animal is to be sold. The manager of the stockyard shall transmit these copies of the certificate to the purchaser of the animal. The purchaser shall attach the original of the certificate to his OPS Public Form 13, Revised. If he is not required to file Public Form 13, he shall transmit the certificate (OPS Public Form 44, Revised) to his OPS District Office at the end of the current accounting period.

(f) Notwithstanding any exemption specified in this section 6, exempt purchases shall be subject to the record keeping and reporting provisions of sections 7 and 8 of this regulation.

5. Section 7 (a) is amended by adding a new sub-paragraph (7) to read as follows:

(7) Each lot of cattle purchased for immediate slaughter and each lot transferred from feeding operations for slaughter shall be assigned a killing lot number, and the records required by Section 7 (a) shall be kept for each lot of cattle by lot number. The identity of each lot shall be retained, and it shall be identified by its lot number, from the time of purchase or transfer from feeding operations through the slaughtering, weighing, chilling and grading operations.

6. Section 7 (c) (1) (i) is amended to read as follows:

(i) The killing lot number and the serial number of the carcass;

7. Section 7 (c) (2) is amended to read as follows:

(2) *Work sheet.* In addition to the foregoing, each operator of a slaughtering establishment shall keep for inspection by the Office of Price Stabilization a daily work sheet showing for each killing lot, the lot number, the date the lot is killed, and for each dressed carcass in the lot, the serial number, its hot weight, (except as provided in (iv) below) and its weight, as adjusted to show the chilled carcass weight 24 hours after slaughtering. However, if the operator elects, he may show the adjusted chilled carcass weight by grades in total instead of for each individual carcass. In adjusting from hot weight to chilled carcass weight 24 hours after slaughtering, the operator shall use the shrink allowance specified below that is appropriate to his method of weighing:

(i) If the hot weight is taken before washing and shrouding deduct 1¾% from the hot weight;

(ii) If the hot weight is taken after washing and before shrouding, deduct 2½ percent from the hot weight;

(iii) If the hot weight is taken after washing and after shrouding, deduct for pins, neck cloths, shank cloths, kidney cloths and shrouds the actual tare appropriate for your method of operations and weighing, and deduct 2½ percent from this hot weight;

(iv) In the event that the operator does not have facilities for obtaining hot weights, the weight to put on the carcass tags and work sheets as specified above in section 7 (c) (1) and (2) is the actual weight of the dressed carcass at the time of weighing. This weight shall be taken at least 24 hours after slaughter, and used for reporting purposes as the chilled carcass weight 24 hours after slaughter.

(v) Under all methods of weighing the actual tare for hooks and trolleys shall be deducted.

(vi) The daily work sheets required by this sub-paragraph shall be filled out with indelible pencil, and each shall bear a statement signed by the weigher that it is the original sheet on which he recorded such information.

8. Section 7 is further amended by redesignating section 7 (c) (3) as section 7 (c) (4) and by adding, immediately preceding that section, a new section 7 (c) (3) to read as follows:

(3) If you have not already done so, a statement of the method you use to determine chilled carcass weight 24 hours after slaughter must be filed with your next OPS Public Form 13, Revised, with the OPS office where you are registered. This formula or any change therefrom is subject to the approval of the Office of Price Stabilization.

9. Section 7 (d) is amended to read as follows:

(d) *Preservation of records.* Every person subject to this regulation must keep all records required by this regulation and a copy of each form and statement which he is required to file under sections 7 and 8 for a period of two years. All records and reports required to be preserved under this section may, 30 days after the date of the transaction to which they relate, be transferred to and preserved thereafter on microfilm.

10. Section 7 is further amended by adding a new paragraph (f) at the end of that section to read as follows:

(f) *When records are not required.* The record keeping requirements of sections 7 (a) (7), 7 (b), 7 (c) (1) and 7 (c) (2) are not applicable to a slaughterer during any accounting period for which he is not required to file OPS Public Form 13, Revised.

11. Section 8 is amended to read as follows:

SEC. 8. *Reports required of slaughterers.* (a) If you are a Class 1, Class 2, Class 1A or Class 2A slaughterer, as defined in Distribution Regulation 1, Revision 1, you are required to file an OPS Public Form 13, Revised, Drove Compliance Report, for the first accounting period commencing after reporting requirements are reinstated under this regulation, during which 20 or more cattle were killed for your own account in any one establishment and for each accounting period thereafter. This form must be filed separately for each such establishment and within 10 days after the end of each accounting period.

(1) If no cattle or less than 20 cattle were killed for your own account in one establishment during an accounting period, you are exempt from filing OPS Public Form 13, Revised, until the number of cattle you slaughter in any accounting period reaches such limit, provided you file with the OPS for your first accounting period commencing after reporting requirements are reinstated under this regulation a statement that (i) less than 20 cattle were killed for your own account, and (ii) you will file OPS Public Form 13, Revised, for the first accounting period during which 20 or

more cattle are killed for your own account in one establishment.

(2) If, after filing an OPS Public Form 13, Revised, you have an accounting period during which you slaughter less than 20 cattle, you must continue to file OPS Public Form 13, Revised, but for each such accounting period you need answer only the first 5 items and sign and file the Form.

(3) If you kill no cattle at all, you are exempt from filing any reports or statements pursuant to this section 8. You are in violation of this regulation if you slaughter cattle without filing either OPS Public Form 13, Revised, or having filed the statement referred to in section 8 (a) (1).

(4) If a change in a slaughterer's maximum calculated prices for a given establishment becomes effective during an accounting period, the slaughterer shall file two OPS Public Forms 13, Revised, one Form based on the maximum permissible cost of cattle prior to such effective date, and the other Form based on the maximum permissible cost on and after such effective date, or he may file one OPS Public Form 13, Revised, for the entire accounting period based on the lowest maximum calculated prices in effect during the accounting period.

(b) OPS Public Form 14, Slaughterer's Maximum Calculated Prices Statement, containing the information specified in Appendix A, Instructions III shall be filed, if not already filed, by a slaughterer to show the latest maximum calculated prices in effect for each establishment in which 20 or more cattle are killed for his own account during an accounting period. A revised OPS Public Form 14 shall be filed thereafter whenever there is a change in a slaughterer's maximum calculated prices for a given establishment with the first OPS Public Form 13 filed after the change.

(c) Reports shall be filed by Class 1 and Class 1A slaughterers with the Office of Price Stabilization at Washington 25, D. C., and by Class 2 and Class 2A slaughterers with the OPS District Office where they are registered under Distribution Regulation 1, Revision 1.

(d) Copies of OPS Public Form 13, Revised, and OPS Public Form 14 may be obtained from the Washington Office or any Regional or District Office of the Office of Price Stabilization.

(e) This section 8 is suspended, effective for slaughterer's accounting periods beginning after July 26, 1952.

12. Section 11 (i) is amended to read as follows:

(i) "Live weight" means the purchase weight of cattle slaughtered, except that in the case of transfer of cattle from your feeding operations to slaughter it means the weight at the time of such transfer.

13. Section 11 is further amended by adding the following paragraphs (m), (n), and (o) at the end of that section to read as follows:

(m) "Own account" means that you own the cattle at the time they are killed, whether killed by you or for you by another person.

(n) "Dressed beef carcass" means and is limited to "beef carcass" as defined in Appendix 2 (a) (1) of Ceiling Price Regulation 24, as amended or revised from time to time.

(o) "Side of beef" means a hindquarter and a forequarter, separated or attached, which are derived from one side of a beef animal and which have been dressed in accordance with the specifications applicable to "dressed beef carcass".

14. Appendix A—Instructions II through V, inclusive, are amended to read as follows:

II

Report the following on OPS Public Form 13, Revised:

Items 1, 2, 3, 4, 5, 7 and 8 (e). These items are self-explanatory.

Item 6 (a). Enter separately in Items 6 (a) (1) and 6 (a) (2) the number of head and live weight of (1) cattle other than bulls, and (2) bulls, killed in this establishment for your own account during the accounting period and slaughtered within 120 days of the date of purchase. Purchases are deemed made on the day the animals are weighed to you. Include animals the carcasses of which were graded as beef even though you may have purchased them as calves. Exclude cattle the carcasses of which were wholly condemned, and animals the carcasses of which have been graded as calf. The weight of any cattle reported in Item 6 (a) which have been slaughtered more than 10 days (but not more than 120 days) after purchase shall be the weight at the time of transfer from feedlot to slaughter. If animals of more than one classification are purchased in a single mixed lot and the separate actual live weight of the animals in a given classification is not obtainable, the computed live weight of such animals shall be obtained by dividing the dressed weight of the meat derived from the animals of such classification by the average dressed yield of the entire lot. The average dressed yield of the entire mixed lot is determined by dividing the dressed weight of the meat derived from the entire lot by the actual live weight of the entire mixed lot.

In the event scales for weighing live cattle are not available to the slaughterer and movement of livestock to scales would cause undue hardship, the live weight to be reported is the applicable calculated live weight determined in Column 3 of Item 9 (a) and 9 (b). However, a satisfactory statement justifying the failure to obtain actual live weights shall be filed with the OPS office where you are registered.

For the purposes of these instructions, steers, heifers, cows and stags shall be one classification, bulls shall be a second classification, and calves shall be a third.

Item 6 (b). Enter the number of head and live weight of cattle, including bulls, which you slaughtered more than 120 days after purchase or which you raised from time of their birth. Purchases are deemed made on the day the animals are weighed to you, or if not purchased on a weighed basis, on the day cattle are started on feed for your account. The weight to be reported in this item is the actual weight taken at the time the cattle are transferred from your feedlot for slaughter.

Item 6 (c). Enter the number of head and live weight of club and show cattle owned by you which were killed for your own account in this establishment during the accounting period and the purchase of which is exempted by section 6 of CPR 23. If any such exemption is claimed, attach the applicable certificate of exemption (OPS Public Form 44, Revised). If certificates are not attached such cattle are not exempt from cost compliance.

Item 8 (a). Enter separately for each classification the purchase cost of all cattle reported in Item 6 (a). Do not include in the purchase cost any commission or similar service charge or any allowance for shrinkage. Purchase cost of the fed cattle reported in Item 7 (a) must include all charges paid for transportation from the time of original purchase to the time immediately prior to shipment from the feedlot to slaughter.

If bulls, other cattle, and calves were purchased in a mixed lot and you cannot segregate the purchase cost of each classification, compute the purchase cost for each classification by multiplying the average price per pound alive of the entire lot by the live weight of each classification as determined under Item 6 (a). The purchase cost of animals bought as cattle, the carcasses of which were graded as calf, shall be excluded. The purchase cost of animals bought as calves, the carcasses of which were graded as beef, shall be included.

Item 8 (b). Enter separately for each classification charges paid for transportation to your slaughtering establishment on all cattle reported in Item 6 (a), including charges paid for feeding and bedding en route. On cattle which you have fed more than 10 but not more than 120 days, include only charges paid for transportation from your feedlot to slaughter. Determine the transportation charges for animals transported in mixed lots by multiplying the live weight per cwt. of the animals in each classification (as determined under Item 6 (a)) by the average freight rate per cwt. Do not include charges for transportation to your establishment (i) from a point within the corporate limits of, or the zone adjacent to and commercially a part of, the municipal corporation in which the establishment is located, or (ii) by facilities owned or operated by you used for hauls of 25 miles, or less, one way. If your own facilities are used for hauls longer than 25 miles, one way, to your establishment from a point outside the area described in (i) above, you must include in your charges for transportation the equivalent common carrier rate for such hauls. If all cattle were acquired locally and no transportation costs were incurred, enter in Item 8 (b) the statement: "Purchased locally."

Item 8 (c). For all the cattle reported in Item 7 (a), enter a feedlot cost addition computed at 70 cents per head per day from the date each animal was purchased to the date it was slaughtered. When cattle purchased for immediate slaughter are en route more than 8 days due to circumstances beyond the control of the carrier or slaughterer, the feedlot cost addition shall be computed from the fourth day after delivery date of such cattle by the carrier to the slaughtering establishment.

Item 8 (d). For all cattle reported in Item 6 (a) enter a non-public market addition at the rates specified below for purchases at the indicated markets.

(i) 20 cents per live cwt. for purchases at any point other than public markets covered by the following subparagraph (ii).

(ii) 10 cents per live cwt. for purchases at public markets under the jurisdiction of the Secretary of Agriculture pursuant to the Packers and Stockyards Act, 1921, as amended. However, no addition is required for purchases at such public markets in the following cities: Baltimore; Chicago; Denver; Fort Worth; Indianapolis; Kansas City, Missouri; Lancaster, Pennsylvania; Oklahoma City, Omaha; South St. Joseph, Missouri; St. Louis National Stockyards, Illinois; San Antonio; Sioux City, Iowa; Sioux Falls, South Dakota; South St. Paul. If all cattle are purchased at one or more of these exempt markets enter in Item 8 (d) the statement: "All cattle purchased at exempt markets."

Item 8 (f). You may claim a freight deduction as determined below for a portion of the transportation costs reported in Item 8 (b), if you file with this report a statement showing for all cattle purchased at each separate market for which a deduction is made: (1) the total live weight of cattle purchased, (2) the total freight charges paid, and (3) the total deduction claimed. The statement should also show the total weight, charges and allowances for all markets. The amount of freight deduction you may claim is determined as follows:

If your establishment is located east of a line following the eastern side of Lake Michigan, the eastern boundary of Indiana and the Ohio and Mississippi Rivers to the Gulf of Mexico, the allowance shall not exceed 75 per cent of the actual cost of freight exclusive of charges for feed and bedding, paid on such cattle, or 80 cents per live cwt., whichever is lower. If your establishment is located west of such a line, the allowance shall not exceed 40 per cent of the actual cost of freight exclusive of charges for feed and bedding paid on such cattle, or 50 cents per live cwt., whichever is lower.

When the allowance is figured on a weight and rate basis use railroad weight if shipped by rail, or the purchase weight if shipped by truck.

Item 8 (g). Make the additions indicated in Item 8 (e) and the deduction allowed in Item 8 (f) to arrive at your reported adjusted cost of steers, heifers, cows and stags as one classification, and of bulls as another classification.

Item 9 (a) and (b), Column (1). Enter separately for each classification and grade the total chilled carcass weight of beef derived from slaughter of the steers, heifers, cows, stags and bulls on which adjusted costs are reported in Item 8. The beef carcasses shall be graded as required by Distribution Regulation 2. The chilled carcass weights shall be determined by the method which you have selected, the statement of which you have filed under section 7 (c) (3) of CPR 23.

Column (3). Enter separately for each classification and grade the calculated live weight of animals by dividing the chilled carcass weights in column (1) by the conversion factors listed in column (2).

Column (4). Enter separately the maximum calculated prices per cwt. by classifications and grades from your OPS Public Form 14.

Column (5). Enter separately the result obtained by multiplying the weights entered in column (3) by the prices entered in column (4) and dividing by 100.

For Item 9 (a) enter the total for all grades in each of column (1), (3) and (5). The totals entered in Items 9 (a) and 9 (b), Column (5) are your reported maximum permissible costs for all steers, heifers, cows and stags as one classification, and bulls as another classification, respectively, for which you have reported adjusted costs in Item 8 (g).

III

The maximum calculated price per cwt. referred to in the instructions for Items 9 (a) and (b), Column (4), OPS Public Form 13, Revised, is computed on OPS Public Form 14 as follows:

Item 1. Enter your name as the slaughterer making the report and state whether you are a Class 1, 1A, 2 or 2A slaughterer.

Class 1 and 2 slaughterers enter your OPS registration number which appears in the upper right-hand corner of your OPS Form DO 1-1 or DO 1-2 Registration. Class 1A and 2A slaughterers enter the registration number which may be obtained from your Class 1 or 2 slaughterer.

Item 2. Enter address of your place of business, including, City, County and State.

Item 3. If the cattle covered by this report were custom slaughtered for you, enter the name of the establishment where slaughtered.

Item 4. Enter address of establishment where cattle were slaughtered, including City, County and State.

Item 5. Indicate by checking one of the spaces whether the establishment where the cattle were slaughtered was operated by you.

Item 6 (1). Enter separately by grades your base ceiling price for beef carcass in dollars per cwt. for each grade as shown in section 20 of CPR 24, as amended from time to time.

Item 6 (2). Enter the appropriate zone differential from section 40 of CPR 24, as amended from time to time, assuming that the distribution point is your slaughtering establishment.

Item 6 (3). Enter separately by grades in Item 6 (3) the sum of Items 6 (1) and (2).

Item 6 (5). Enter separately by grades in Item 6 (5) the result obtained by multiplying the amounts in Item 6 (3) by the conversion factors listed in Item 6 (4). These conversion factors are: Prime, 62%; Choice, 59%; Good, 56%; Commercial, 53%; Utility, 47%; Cutter and Canner, 43%; Bulls (all grades), 55%.

Item 6 (6). Enter separately in Item 6 (6) and Item 7 (6) the following amounts applicable to grades reported, depending upon the location of your slaughtering establishment.

	Plants in all States west of and including Montana, Wyoming, Colorado, and New Mexico	All other States and District of Columbia
Prime	$0.95	$1.10
Choice	1.00	1.15
Good	1.10	1.25
Commercial	1.20	1.35
Utility	1.20	1.35
Cutters and Canners	1.10	1.25
Bulls	.65	.80

Item 6 (7). Enter separately by grades in Item 6 (7) the result obtained by adding Item 6 (6) and Item 6 (5) rounded to the nearest 5 cents. The sums obtained by these additions are your respective maximum calculated prices, per cwt. of calculated live weight, by grades of steers, heifers, cows and stags, applicable in determining the maximum permissible cost of such cattle.

Item 7. The entries in Item 7 should be made in the same manner as the entries in Item 6.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154).

Effective date. This amendment shall become effective September 30, 1952.

NOTE: The record keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

TIGHE E. WOODS,
Director of Price Stabilization.

SEPTEMBER 25, 1952.

[F. R. Doc. 52-10563; Filed, Sept. 25, 1952; 4:00 p. m.]

[Ceiling Price Regulation 31, Amdt. 14, Correction]

CPR 31—IMPORTS

INCLUSION OF TIN IN APPENDIX A (5), CORRECTION

The word "impracticable" has been omitted from the end of the first sentence under Findings of the Director in the Statement of Considerations. The first sentence should read as follows: "In view of the nature of this amendment, special circumstances have rendered extensive consultation with industry representatives, including representatives of trade associations, impracticable."

(Sec. 704, 64 Stat. 816, as amended: 50 U. S. C. App. Sup. 2154)

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

SEPTEMBER 25, 1952.

[F. R. Doc. 52-10556; Filed, Sept. 25, 1952; 11:36 a. m.]

[Ceiling Price Regulation 74, Amdt. 14]

CPR 74—CEILING PRICES OF PORK SOLD AT WHOLESALE

MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, Economic Stabilization Agency General Order 2, this Amendment 14 to Ceiling Price Regulation 74 is hereby issued.

STATEMENT OF CONSIDERATIONS

The accompanying amendment to Ceiling Price Regulation (CPR) 74 makes several substantive changes as well as certain clarifications and corrections of a minor nature.

1. Section 30 has been amended to make clear that on the sale of a dressed hog, denominator basis, where brokerage fees less than 17½ cents per hundredweight are paid by the seller, the ceiling price is reduced by the difference between the amount of the brokerage fees actually paid and 17½ cents per hundredweight.

2. This amendment provides that on a sale to a purveyor of meals, the distribution point may be the point where the meat is delivered to the carrier when the seller pays the actual shipping charges directly to the carrier and enters such shipping charges as a separate item on the invoice. This will permit many sellers to follow their usual practice of prepaying the shipping cost and adding it to the buyer's invoice.

3. Sections 46 and 47 have been amended to permit an addition to be taken on the sale of a center cut, shoulder end or ham end of loin by a hotel supply house or a combination distributor to a purveyor of meals. This will more closely reflect the normal profit margin on these sales in relation to the sales of other cuts.

4. The provisions of section 50 (Sales to defense procurement agencies or under defense procurement agency subcontracts) have permitted the seller to add the actual cost of transportation if the sale is made on a delivered basis, including when delivery is made by his own trucks. However, in the latter situation, it is very difficult, if not impossible, to calculate the actual transportation cost. On such a sale, hereafter, the seller must charge no more than the applicable local delivery addition specified in section 42

when he uses his own truck in making a delivery.

On a sale to a defense procurement agency or under a defense procurement agency subcontract the seller is no longer required to file, with the District Office of the Office of Price Stabilization, a signed statement itemizing the costs which he has added to determine his ceiling price. He must, nevertheless, make and preserve an itemized record of these costs, explaining how he determined them.

5. An addition has been provided for use of an outer shipping container to ship an edible pork by-product, listed in section 26, originally packed in a metal, fibre or watertight container that holds less than 15 pounds. The language of the shipping container addition in section 52 (b) has been reworded to make clear that the addition may be taken on sales by a slaughterer's branch house not physically attached to the slaughterer's plant.

6. The definition for canned whole picnic has been corrected to eliminate a typographical error.

In formulating this amendment, the Director of Price Stabilization has consulted so far as practicable with industry representatives, including trade association representatives, and has given full consideration to their recommendations. In his judgment the provisions of this amendment are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all the applicable standards of the act.

All standards prescribed in this amendment were, prior to the issuance of Ceiling Price Regulation 74, in general use in the meat industry. Such standards as are prescribed are indispensable to price control of pork, since no practicable alternative to such standardization exists for securing effective price control of this commodity. It is not believed that this amendment will cause any substantial changes in business practices, cost practices or methods, or means or aids to distribution; however, to the extent that such changes may be compelled, they are necessary to prevent circumvention or evasion of Ceiling Price Regulation 74, as amended.

AMENDATORY PROVISIONS

Ceiling Price Regulation 74 is amended in the following respects:

1. Section 30 is amended by deleting the fourth paragraph and by inserting a new paragraph therefor to read as follows:

The base price for dressed hogs, as determined under Schedule X, Section 30, shall include all charges for brokerage and no additions may be made for brokerage fees. If the seller pays no brokerage fees, the ceiling price shall be reduced by 17½ cents per hundredweight. If the seller pays brokerage fees in an amount less than 17½ cents per hundredweight, the ceiling price shall be reduced by the difference between the amount of the brokerage fee actually paid by the seller and 17½ cents per hundredweight.

2. Section 35 (a) (1) is amended to read as follows:

(1) The point at which the meat consigned to the purveyor of meals is delivered to a carrier for shipment to the purveyor, who pays the shipping charges directly to the carrier, or pays the seller, when the actual shipping charges are paid by the seller to the carrier and entered on the invoice to the buyer as a separate item; or

3. Section 46 (a) is amended by deleting item (9) and by substituting the following therefor:

(9) Loins—regular, bladeless, center cut, shoulder end, or ham end, $10.00.

4. Section 47 (a) is amended by deleting item (9) and by substituting the following therefor:

(9) Loins—regular, bladeless, center cut, shoulder end, or ham end, $7.50.

5. Section 50 (a) (6) is amended to read as follows:

(6) Actual cost of transportation if sold on a delivered basis and delivered by a common or contract carrier or the applicable local delivery addition specified in section 42 if sold on a delivered basis and delivered by a truck owned or leased by the seller. You may not, however, add any of the additions specified in sections 51, 52, or 54.

6. Section 50 (b) is amended to read as follows:

(b) If you make this selling addition, you must not only make and preserve the records required by section 11 (a), but you must also make and preserve an itemized record of the costs listed in section 50 (a), paragraphs (1) through (5), inclusive, which you have added to your ceiling price determined under the appropriate Schedule in Article II. This record must also explain how you determined these costs.

7. Section 52 (a) is amended by deleting the last paragraph thereof and by substituting the following paragraph therefor:

No more than one container addition may be taken on the sale of any one product with the following exception: When an outer shipping container is used to ship an edible pork by-product, listed in section 26, originally packed in a metal, fibre or watertight container that holds less than 15 pounds, you may take the applicable additions provided for both containers in this schedule.

8. Section 52 (b) is amended by deleting the last sentence and inserting the following sentence therefor: "This provision does not apply to a slaughterer except on sales made by a slaughterer's branch house not physically attached to his slaughtering plant."

9. Appendix 2 (c) (75) is amended to read as follows:

(75) *Canned whole picnic* means a cured whole picnic packed in a hermetically sealed tin container. The picnic shall be short shanked, completely skinned, boned and the external fat shall be trimmed to within ½ inch of the lean. The picnic shall be cooked according to good commercial practice. Gelatin may be added to each can to solidify the juices.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective on September 30, 1952.

NOTE: The record keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Acting Director
of Price Stabilization.

SEPTEMBER 25, 1952.

[F. R. Doc. 52-10557; Filed, Sept. 25, 1952; 11:37 a. m.]

[Ceiling Price Regulation 117, Amdt. 3 to Revision 1]

CPR 117—MALT BEVERAGES

"SPECIAL PACKS" SOLD IN THE "BASE PERIOD"

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 3 to Revision 1 of Ceiling Price Regulation 117 is hereby issued.

STATEMENT OF CONSIDERATIONS

A so-called "special pack" case of malt beverages, as defined in Ceiling Price Regulation (CPR) 117, Revision 1, is a case in which the containers therein are packed in units of at least two and are customarily sold to consumers in those units. The most common "special pack" case, for example, is one holding four carry-home cartons of six containers each.

Only a small number of brewers sold "special packs" during the CPR 117, Revision 1, base period (May 24–June 24, 1950). However, the base period prices charged by most of those brewers for "special pack" items were the equivalent of at least 8 cents per case of 24 bottles and 5 cents per case of 24 cans higher than the prices charged for standard packs of the same items in bottles and cans, respectively. The Office of Price Stabilization found that those differentials were necessary to cover an appropriate amount of the added cost involved in producing "special packs." Therefore, for the great majority of brewers who did not sell "special packs" in the base period, CPR 117, Revision 1, provides that their ceiling prices for "special packs" reflect those differentials over their ceiling prices for standard packs.

A very few brewers who sold "special packs" in the base period, however, charged prices for them which did not reflect the equivalent of the 8-cent and 5-cent differentials (mentioned above) over their prices for standard packs. This resulted from the fact that "special packs" were new items for those few brewers and were experimentally priced during the base period at levels below what subsequently proved to be necessary to cover an appropriate part of the added production costs then incurred.

Since, under section 21 of CPR 117, Revision 1, the ceiling price for a "special pack" case sold during the base period is determined by adding to the base period price an amount to cover only certain cost increases experienced subsequent thereto, such brewers were unable to recover that appropriate part of the added costs initially incurred in producing "special packs." Consequently, there was excessive cost absorption on "special packs" not only by those few brewers but by other brewers who, even though they had higher ceiling prices, were forced for competitive reasons to meet the low prices of those few brewers.

This amendment remedies that situation by giving brewers who sold "special packs" during the base period the option to determine their ceiling prices for those packs either under section 21 or section 22 (e) of CPR 117, Revision 1. The ceiling prices arrived at by a brewer under section 22 (e) will be the equivalent of 8 cents per case of 24 bottles and 5 cents per case of 24 cans higher than his ceiling prices for standard packs of the same items in bottles and cans, respectively. In addition, provision is made for the recalculation of ceiling prices by those wholesalers who purchased "special packs" in the base period and, as a result of this amendment, are charged more for those "special packs" than their brewers' ceiling prices in effect before this amendment was issued. It is not necessary to make any special provisions for retailers, however, because the regulation already provides for recalculation of their ceiling prices whenever there is a change in their costs.

In the formulation of this amendment the Director of Price Stabilization has, to the extent practicable, consulted with industry representatives, including trade association representatives, and has given consideration to their recommendations. In the judgment of the Director this amendment is generally fair and equitable, is necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and complies with all the applicable standards of the act.

AMENDATORY PROVISIONS

Ceiling Price Regulation (CPR) 117, Revision 1, is amended in the following respects:

1. Paragraph (c) of section 21 is amended to read as follows:

(c) (1) Add together your "base period" price (determined in paragraph (a)) and the applicable dollar-and-cent "permitted increase" figure (determined in paragraph (b)). The resulting figure is your ceiling price for sales of the item to the particular class of purchaser and is (i) an f. o. b. price, if your "base period" price was an f. o. b. price; (ii) a delivered price, if your "base period" price was a delivered price. That price, however, may be adjusted or modified under the provisions of subparagraph (c) (2) of this section and sections 70, 71, 76, 77, and 78 of this regulation, if applicable. In addition, you must comply with the notification provisions of section 27 (b) of this regulation, if that section applies to you, and of section 28.

(2) If, during the "base period," you sold or offered for sale to a class of purchaser a "special pack" case (defined in section 90 (b) (3)) of 11, 11½, or 12-ounce containers of an item you may, instead of using the ceiling price determined under this section 21 for sales of the item to that class of purchaser, calculate your ceiling price for such sales under section 22 (e). In calculating your ceiling price under section 22 (e) you may assume that you cannot determine your ceiling price for the item under paragraph (b), (c) or (d) of section 22 and you may regard a "special pack" case as an item of a different container size and container type (as well as case size) from a case which is not a "special pack" case. In no event, however, may you calculate your ceiling under section 23, 24, or 25, despite the reference to those sections in section 22 (e). Finally, if you do determine your ceiling price for sale of a "special pack" case of an item under section 22 (e), then the notice of that ceiling price which you are required to give your purchaser under section 28 (b) must, in addition to the other information required, state that such price was determined as permitted under section 21 (c) (2) of CPR 117, Revision 1.

2. The first unnumbered paragraph of section 31 is changed to read as follows:

SEC. 31. *How a wholesaler is to determine his ceiling prices for items dealt in during the "base period."* This section applies to you if you are a wholesaler who sells to a particular class of purchaser an item (defined in section 90 (b) (8)) of imported or domestic malt beverages which you sold or offered for sale to that same class of purchaser during the "base period." However, if during the "base period" you sold a "special pack" case (defined in section 90 (b) (3)) of 11, 11½ or 12-ounce containers of a particular item, and have received a notice from your brewer stating that he determined his ceiling price for that "special pack" item as permitted under section 21 (c) (2) of CPR 117, Revision 1, you may determine your ceiling price for sales of that item either under this section 31 or under section 32, 33, 34 or 36, whichever applies. (Note that in determining your ceiling price for sales of a "special pack" item to a particular class of purchaser under section 32, 33, 34 or 36, you may assume that you cannot determine your ceiling price for such sales under section 31.) If this section 31 applies to you (or if you choose to use this section for those "special pack" items mentioned above) you must figure your ceiling price for sales of an item sold or offered for sale during the "base period" to a class of purchaser (except your ceiling price for delivered sales to consumers, to which section 35 applies) as follows:

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 3 to Ceiling Price Regulation 117, Revision 1, is effective September 30, 1952.

NOTE: The reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Acting Director
of Price Stabilization.

SEPTEMBER 25, 1952.

[F. R. Doc. 52-10558; Filed, Sept. 25, 1952; 11:37 a. m.]

[Ceiling Price Regulation 129, Amdt. 2]

CPR 129—CEILING PRICES FOR HORSEMEAT PRODUCTS

MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order 2, Delegation of Authority by the Secretary of Agriculture to the Economic Stabilization Agency with respect to meat, as amended, and Economic Stabilization Agency General Order 5, Revision, this Amendment 2 to Ceiling Price Regulation 129 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment makes the following changes in CPR–129:

1. For some time, the Office of Price Stabilization has been investigating representations by certain segments of the industry covered by CPR 129 to the effect that this regulation did not provide a sufficient mark-up on sales exceeding 100 pounds of horsemeat per day, by slaughterers to zoos, animal hospitals, kennels, research laboratories and other buyers who do not purchase for resale. Additional data now available indicate that the expense involved in making sales and deliveries to some of these types of purchasers was not adequately covered by the regulation. As a result, it appears that many slaughterers were unable to accept orders from these types of buyers, particularly where the total sale did not amount to at least 1,000 pounds of horsemeat. To enable slaughterers to continue to supply the horsemeat requirements of these buyers, a special mark-up for slaughterers who sell less than 1,000 pounds per day to these classes of buyers has been provided.

2. In large metropolitan cities the distribution of beef, pork, lamb, and veal had been performed to a great extent by peddler truck sellers. However, in formulating the provisions of CPR 129, it was not deemed necessary to provide for this type of seller since there was then no evidence available indicating that peddler truck operators participated in the distribution of horsemeat. Since the issuance of the regulation, evidence of the existence of peddler truck sellers in the horsemeat business has been received by the Office of Price Stabilization. Accordingly, this amendment provides an appropriate mark-up for peddler truck sellers who handle horsemeat. This mark-up covers both the seller's addition and the local delivery allowance.

3. Sellers of packaged horsemeat have demonstrated that the amount permitted

in the regulation for small cartons was insufficient to cover the actual cost of the container and the expense incurred in packaging the horsemeat in these containers. Accordingly, sellers who sell ground horsemeat packaged in wax-lined containers weighing not more than 5 pounds each are now authorized to add an additional 1 cent per pound.

4. Section 21, Schedule II (Sales at Retail) has been amended to establish special prices for steaks and roasts derived from the ribs and loins of the horse carcass. A considerable amount of trimming is required to remove the fat and perspiration glands so as to make the horsemeat more palatable and acceptable. In order to maintain a proper operating margin for retailers, two new items are added by this amendment to provide for steaks and roasts from ribs and loins completely trimmed for human consumption.

5. A review of the applications from a number of the processors of canned horsemeat who had submitted requests for revised ceiling prices, disclosed that the percentage of horsemeat in each can ranged from 25 percent to 30 percent of the total ingredients. In order to avoid a widespread change in the standard formulae for several of the leading dog food products, this amendment changes the 30 percent horsemeat cut off between the major price classes of these products to 25 percent, so that the lowest price range will cover products containing from 5 percent to 25 percent horsemeat, and the next price range will cover products containing from 25 percent to 80 percent horsemeat. This change in specifications is not of a sufficient magnitude to warrant a revision in the prices for the various types of canned horsemeat.

6. A new definition of a "peddler truck sale" is added to Section 30. Also the definition of the term "wholesaler" has been amended in order to accomplish the objectives referred to in item 1 of this statement of considerations. Finally, the definition of the term "hindquarter" has been revised at the request of industry. These definition changes will in effect conform the applicable provisions of this regulation to the customary practices of the industry.

In formulating this amendment, the Director of Price Stabilization has consulted so far as practicable with industry representatives, including trade association representatives, and has given full consideration to their recommendations. In his judgment the provisions of this regulation are generally fair and equitable, are necessary to effectuate the purposes of Titles I and IV of the Defense Production Act of 1950, as amended, are necessary and appropriate to promote the national defense, and comply with all the applicable standards of the Act.

All standards prescribed in this amendment were, prior to the issuance of Ceiling Price Regulation 129, in general use in the meat industry. Such standards as are prescribed are indispensable to price control of horsemeat, since no practicable alternative to such standardization exists for securing effective price control of this commodity. It is not believed that this amendment will cause any substantial changes in business practices, cost practices or methods, or means or aids to distribution; however, to the extent that such changes may be compelled, they are necessary to prevent circumvention or evasion of Ceiling Price Regulation 129, as amended.

AMENDATORY PROVISIONS

Ceiling Price Regulation 129 is amended in the following respects:

1. Section 20, Schedule I, is amended by changing Item 1 under "Special Adjustments for Schedule I" to read as follows:

1. For sales by a slaughterer to buyers other than "wholesalers", you may add $3.00 per hundredweight to the ceiling prices specified above. If you are a "wholesaler" you may add $3.00 per hundredweight to the ceiling prices specified above. See section 30 (k) for definition of "wholesaler."

2. Section 20, Schedule I, is further amended by adding a new Item 6 under "Special Adjustments for Schedule I" to read as follows:

6. On a "peddler truck sale" delivered to the buyer's store door or to a delivery point designated by the buyer, you may add $5.00 per hundredweight to the ceiling prices listed above. No additional charge may be made for local delivery. See section 30 (m) for definition of a "peddler truck sale."

3. Section 20, Schedule I, is further amended by adding a new Item 7 under "Special Adjustments for Schedule I" to read as follows:

7. If you sell any of the products priced under Items 5 (a), 5 (b), 6 (a) or 6 (b) of Schedule I, packaged in a wax-lined container, you may add $1.00 per hundredweight to the prices listed above.

4. Section 21, Schedule II is amended by adding two new items, 11 and 12, to Schedule II to read as follows:

	Inspected		Uninspected	
	Zones 1 and 3	Zone 2	Zones 1 and 3	Zone 2
11. Steaks and roasts [1] (boneless)	38	36	36	33
12. Tenderloin steaks [1]	50	47	47	43

[1] Steaks and Roasts in Items 11 and 12 of Schedule II must be derived from the loin or rib only and must be completely trimmed with all fat and perspiration glands removed.

5. Section 22, Schedule III is amended by changing Items 3 and 4 of Schedule III to read as follows:

	Inspected		Uninspected	
	Zones 1 and 3	Zone 2	Zones 1 and 3	Zone 2
3. Containing 25 percent or more, but less than 80 percent horsemeat	6.70	6.10	6.10	5.50
4. Containing 5 percent or more, but less than 25 percent horsemeat	4.80	4.60	4.60	4.40

6. Section 30 (k) is amended to read as follows:

(k) "Wholesaler" means a person:

(1) Who buys horsemeat for resale; and

(2) Who is not affiliated with any slaughtering plant or facilities engaged in the slaughtering of horses or, if so affiliated, whose affiliation does not amount to an interest or equity of more than 50 percent. By such an affiliation which is not more than 50 percent is meant the relationship between two persons where neither owns nor controls more than 50 percent of the other, and no more than 50 percent of either is owned or controlled by the same person.

For the purpose of this regulation any person, other than a retailer, who buys more than 1,000 pounds of horsemeat in any one day and who meets the foregoing requirements, except that he does not buy horsemeat for resale, shall be regarded as a "wholesaler."

7. A new section 30 (m) is added to read as follows:

(m) "Peddler truck sale" means a sale of wholesale horsemeat cuts or boneless horsemeat from stock carried in a truck where:

(1) The seller's first record of the transaction is made concurrently with the delivery of the product sold and the total delivery to one establishment does not consist of more than 500 pounds of horsemeat during any single day;

(2) The seller does not sell or deal in meat in any manner other than sales out of stock carried in a truck driven by him; and

(3) The seller has sold meat in this manner at any time between January 1, 1950, and March 14, 1952.

8. Section 32 (m) is amended to read as follows:

(m) "Hindquarter" means the posterior portion of the horse carcass and shall contain not more than 4 ribs.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective September 30, 1952.

JOSEPH H. FREEHILL,
Acting Director
of Price Stabilization.

SEPTEMBER 25, 1952.

[F. R. Doc. 52-10559; Filed, Sept. 25, 1952; 11:37 a. m.]

[General Overriding Regulation 7, Revision 1, Amdt. 9]

GOR 7—Exemptions and Suspensions of Certain Food and Restaurant Commodities

PROCESSED DUCKS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 9 to General Overriding Regulation 7, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to General Overriding Regulation 7, Revision 1, suspends the provisions of Ceiling Price Regulation (CPR) 79, Revision 1, and all other regulations dealing with processed ducks on and after September 25, 1952, except those dealing with routine record-keeping. This action is taken in line with the general policy of the Office of Price Stabilization relating to suspension or relaxation of price controls. In accordance with that policy the Director of Price Stabilization has re-examined market conditions of processed ducks and determined that market prices of processed ducks are and have been for some time substantially below ceilings. For example, current wholesale selling prices of fresh dressed ducks in barrels at New York are 27½–28½ cents per pound while the comparable ceiling price is 32½ cents per pound. Selling prices are likely to remain below ceiling prices in the foreseeable future, short of a worsening of the international situation and a sudden and unexpected development of a very tight supply situation. Absent these factors, production of ducks during the 1952–53 marketing year (April 1–March 31) may be about 6 percent above last year. Furthermore, cold storage holdings of ducks on September 1, 1952, were at record levels. Supplies of chicken and turkey, which compete to some extent with ducks, will also be plentiful throughout 1952, and prices for these are below legal minima.

Further continuance of price controls on processed ducks appears, therefore, unnecessary and imposes upon the OPS an administrative burden out of all proportion to the importance of maintaining control on this commodity or to the expected benefits in terms of price stabilization. Hence, this commodity conforms to the requirements of the OPS suspension standards. The Office of Price Stabilization will continue, however, to observe market prices and, should they rise unduly despite the present expectations to the contrary, the Director of Price Stabilization will consider immediate termination of this suspension action. In case of termination of this suspension, the Director may, if such action should then appear necessary, revise the present CPR 79, Revision 1, ceilings for processed ducks in order to comply with all the applicable standards of the Defense Production Act of 1950, as amended.

In the formulation of this amendment special circumstances have rendered it impractical to consult with official advisory committees or trade association representatives. The provisions of this regulation conform, however, with the recommendations of persons representing substantial segments of the industry.

AMENDATORY PROVISIONS

General Overriding Regulation 7, Revision 1, is amended by the addition of section 12 to article III to read as follows:

Sec. 12. *Suspension of controls applicable to processed ducks.* On and after September 25, 1952, the application of the provisions contained in CPR 79, Revision 1, relating to the sales of processed ducks, and any other ceiling price regulation, heretofore or hereafter issued by the OPS relating to processed ducks, is suspended. If, however, you were required by CPR 79, Revision 1, or any other regulation heretofore issued to keep, prepare, or preserve any record concerning this commodity, you shall continue to preserve and make available for examination by the Office of Price Stabilization, in the manner and for the period set forth in that regulation, all such records which you were required to have on September 24, 1952. In addition, the Director of Price Stabilization or his authorized representative may, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942, request or require you to submit data pertaining to price changes for this commodity after September 24, 1952. This suspension will continue unless and until the Director of Price Stabilization terminates or modifies the suspension.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date: This Amendment 9 to General Overriding Regulation 7, Revision 1, is effective September 25, 1952.

NOTE: The record-keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Acting Director
of Price Stabilization.

SEPTEMBER 25, 1952.

[F. R. Doc. 52-10561; Filed, Sept. 25, 1952; 11:38 a .m.]

[General Overriding Regulation 34, Amdt. 1]

GOR 34—Exemption of Certain Lumber and Wood Products

EXEMPTION OF FANCY FACE VENEER, WALNUT LUMBER AND WALNUT GUNSTOCK BLANKS, WOODEN MINE MATERIALS, AND CERTAIN UNTREATED POLES, PILING AND FENCE POSTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 and Economic Stabilization General Order No. 2, this Amendment 1 to General Overriding Regulation 34 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to General Overriding Regulation 34 exempts from price control fancy face veneer, Walnut lumber and Walnut gunstock blanks, primary producers' sales of all species of untreated fence posts, primary producers' sales of wooden mine materials except those covered by Ceiling Price Regulation 128, and primary producers' sales of the following items in untreated condition produced in the United States east of the 100th Meridian: Northern White Cedar, Jack Pine and Norway Pine poles and piling.

The items hereby exempted are relatively unimportant factors in business or living costs. The decision to exempt these items was made because of the heavy administrative burden entailed in maintaining price controls over them, and because the establishment of specific industry-wide ceilings in the areas involved for fancy face veneer, wooden mine materials, and poles, piling and fence posts is not considered feasible.

All items covered by this amendment except fancy face veneer and Walnut lumber and Walnut gunstock blanks are exempted from price controls only at the primary producer level of sales. The exemption of fancy face veneer is not limited to the producers' level because most of this material is sold by the producers directly to users. Walnut lumber and Walnut gunstock blanks are exempted at all levels.

Fancy face veneer is cabinet wood veneer not thicker than ⅛", designed for use on the exposed surface of a panel. It has individual decorative characteristics, and is either selected from flitch stock samples or manufactured to buyer's technical specifications as to thickness, size, color, species, and design. Fancy face veneer is produced from only the highest grade logs. The value of each piece is determined by expert appraisal of its quality and peculiar characteristics. Since no standard pricing technique has been developed in this industry, the establishment of effective ceiling prices would involve administrative and enforcement burdens far beyond any possible benefits under the stabilization program.

Walnut lumber and gunstock blanks are of minor commercial importance. Most gunstock blanks sold to or for the government have been exempt from price control under General Overriding Regulation 2.

The wooden mine materials industry consists essentially of many small portable sawmill operators, producing on an individual contract basis. The products of this industry are a minor item in the cost of producing coal, various ores, or metals. Any increase in the price of wooden mine materials, therefore, would not appreciably affect other prices. The determination and administration of equitable price ceilings for this industry, except in the Pacific Northwest Douglas Fir area, is not practicable because of the problem of collecting data and lack of standardization in products. The exemption of this commodity as provided by this action will not cause any appreciable diversion of timber or manpower into the production of mine materials because of the limited demand for these products.

The untreated poles, piling and fence posts covered by this amendment are of minor importance and are produced by

numerous small operators. The prices for these items will be effectively stabilized by the ceilings on competing products.

In formulating this amendment the Director of Price Stabilization has consulted extensively with industry representatives, including trade association representatives, and has given full consideration to their recommendations. In his opinion the exemptions provided by this amendment will not defeat or impair the objectives of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

General Overriding Regulation 34 is amended as follows:

1. Section 2 is amended by adding six new paragraphs to read as follows:

(b) Fancy face wood veneer.

(c) Walnut (Juglans nigra) lumber and Walnut gunstock blanks.

(d) Primary producers' sales of wooden mine materials except those covered by Ceiling Price Regulation 128 (applicable to Pacific Northwest Douglas Fir, True Fir, and West Coast Hemlock lumber).

(e) Primary producers' sales of untreated Northern White Cedar, Jack Pine and Norway Pine poles produced in the United States east of the one-hundredth meridian, and sold for use as supports for transmission or communication lines.

(f) Primary producers' sales of untreated Northern White Cedar, Jack Pine and Norway Pine piling produced in the United States east of the one-hundredth meridian, and sold for use as a piling foundation for construction purposes.

(g) Primary producers' sales of untreated fence posts of any species for use in fence construction.

2. Section 3 is amended by adding six new paragraphs to read as follows:

(b) As used in paragraph (b) of section 2, "Fancy face wood veneer" means cabinet wood veneer, not more than ⅛" thick, for use on the exposed surface of a panel, having individual decorative characteristics, and either selected from flitch stock samples or manufactured to buyer's technical specifications as to thickness, size, color, species and design.

(c) As used in paragraph (c) of section 2, "Walnut gunstock blank" means green, air-dried or kiln-dried Walnut lumber suitable for manufacture into the wooden portion of portable firearms.

(d) As used in paragraph (d) of section 2, "Wooden mine materials" means wooden props (rough timber segments) from which any of the following enumerated items are made for use in mines: Mine ties, switch ties, cross bars, cribbing, lagging, posts, caps, wedges, stull timber, pit posts, pit blocks, and timber used in underground mining. The term does not include mine car timber, as defined in the "Rules for the Measurement and Inspection of Hardwood Lumber, Cypress, Veneers, and Thin Lumber," effective January 1, 1952, published by the National Hardwood Lumber Association.

(e) As used in paragraph (e) of section 2, "Pole" means any round, peeled or unpeeled, section of a tree longer than 14 feet, suitable for the support of transmission or communication lines at varying heights above the ground.

(f) As used in paragraph (f) of section 2, "Piling" means any round, peeled or unpeeled, section of a tree longer than 14 feet, suitable for driving in the ground to form a foundation for construction purposes, such as for wharves, bulkheads, bridges, and buildings.

(g) As used in paragraph (g) of section 2, "Fence post" means any round, hewn or split, peeled or unpeeled, section of a tree not more than 14 feet in length, suitable for use in fence construction.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective September 25, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

SEPTEMBER 25, 1952.

[F. R. Doc. 52-10562; Filed, Sept. 25, 1952; 11:38 a .m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-65, Revocation]

M-65—CONSERVATION OF METAL IN PRINTING PLATES

REVOCATION

NPA Order M-65 (16 F. R. 9519) is hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under NPA Order M-65 as originally issued or as thereafter amended, nor deprive any person of any rights received or accrued under said order prior to the effective date of this revocation.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This revocation is effective September 25, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52—10552; Filed, Sept. 25, 1952; 11:01 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

OHIO RIVER, MISSISSIPPI RIVER ABOVE CAIRO, ILL., AND THEIR TRIBUTARIES; USE, ADMINISTRATION, AND NAVIGATION; AUTHORITY OF LOCK MASTER

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), § 207.300 (a) is hereby amended to include appropriate remarks regarding the status of the locks on the Muskingum River and the locks and dams on the Big Sandy River, as follows:

§ 207.300 *Ohio River, Mississippi River above Cairo, Ill., and their tributaries; use, administration, and navigation*—(a) *Authority of lock master.* * * *

NOTE 5: The operation of Muskingum River Lock 2 near Devola, Lock 3 near Lowell, Lock 4 near Beverly, Lock 5 near Luke Chute, Lock 6 near Stockport, Lock 7 near McConnellsville, Lock 8 near Rokeby Lock, Lock 9 near Philo, Lock 10 near Zanesville, and Lock 11 near Ellis, Ohio, has been discontinued.

NOTE 6: Big Sandy River, W. Va., and Ky., including Levisa and Tug Forks: Lock and Dam 1 near Catlettsburg, Ky., and movable dam of this structure is being operated for high water navigation only. Operation of the Lock has been discontinued. Operation of Lock and Dam 2 near Buchanan, Ky., Lock and Dam 3 near Fort Gay, W. Va., Lock and Dam 1 on Levisa Fork near Gallup, Ky., and Lock and Dam 1 on Tug Fork near Louisa, Ky., has been discontinued.

* * * * *

[Regs. Sept. 8, 1952, 800.211-ENGWO] (40 Stat. 266; 33 U. S. C. 1)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 52-10427; Filed, Sept. 25, 1952; 8:45 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[S. O. 869, Amdt. 6]

PART 95—CAR SERVICE

USE OF REFRIGERATOR CARS FOR CERTAIN COMMODITIES PROHIBITED

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 22d day of September A. D. 1952.

Upon further consideration of Service Order No. 869 (15 F. R. 8824, 9109; 16 F. R. 2040, 3619, 10994; 17 F. R. 2765); and good cause appearing therefor: It is ordered, that:

Section 95.869 *Use of refrigerator cars for certain commodities prohibited, of* Service Order No. 869 be, and it is hereby amended by substituting the following paragraph (f) hereof for paragraph (f) thereof:

(f) *Expiration date.* This section shall expire at 11:59 p. m., March 31, 1953, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 11:59 p. m., September 30, 1952, and that a copy of this order and direction shall be served upon the State railroad regulatory body of each State and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies secs. 1, 15, 24 Stat. 379, as amended, 384, as amended; 49 U. S. C. 1, 15)

By the Commission, Division 3.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-10444; Filed, Sept. 25, 1952; 8:47 a. m.]

[S. O. 890-A]

PART 95—CAR SERVICE

RESTRICTIONS ON MOVEMENT OF UNBILLED BITUMINOUS COAL

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 22d day of September A. D. 1952.

Upon further consideration of Service Order No. 890 (17 F. R. 8489) and good cause appearing therefor: It is ordered, that:

Section 95.890 *Restrictions on movement of unbilled bituminous coal*, be and it is hereby vacated and set aside.

It is further ordered, that this order shall become effective at 11:00 a. m., September 22, 1952; that a copy of this order shall be served upon the State railroad regulatory bodies of each State, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies secs. 1, 15, 24 Stat. 379, as amended, 384, as amended; 49 U. S. C. 1, 15)

By the Commission, Division 3.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-10445; Filed, Sept. 25, 1952; 8:47 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter C—Management of Wildlife Conservation Areas

PART 33—CENTRAL REGION

SUBPART—LAKE ILO NATIONAL WILDLIFE REFUGE, NORTH DAKOTA

FISHING

Basis and purpose. On the basis of observations and reports of field representatives of the Fish and Wildlife Service, it has been determined that public fishing and the use of boats, including motorboats, for the purpose of fishing can be permitted without interfering with the primary purpose of the area.

Since the following regulations are relaxations of existing restrictions concerning fishing and boating on the refuge, notice and public procedure thereon are not required (60 Stat. 237; 5 U. S. C. 1001, et seq.).

Effective immediately upon publication in the FEDERAL REGISTER, §§ 33.121 through 33.128, inclusive, are added:

SUBPART—LAKE ILO NATIONAL WILDLIFE REFUGE, NORTH DAKOTA

FISHING

Sec.
33.121 Fishing permitted.
33.122 Waters open to fishing.
33.123 State fishing laws.
33.124 Fishing licenses and permits.
33.125 Routes of travel.
33.126 Use of boats.
33.127 Shore line fishing.
33.128 Temporary restrictions.

AUTHORITY: §§ 33.121 to 33.128 issued under sec. 10, 45 Stat. 1224; 16 U. S. C. 715i.

§ 33.121 *Fishing permitted.* Noncommercial fishing is permitted in the waters of the Lake Ilo National Wildlife Refuge, North Dakota, as specified in § 33.122, during the daylight hours of the period May 16 to September 15, inclusive, and from December 1 to March 1, inclusive, of each year in accordance with the provisions of Parts 18 and 21 of this subchapter, and subject to the conditions, restrictions, and requirements of §§ 33.122 to 33.128, inclusive.

§ 33.122 *Waters open to fishing.* The waters of Lake Ilo lying within sections 27, 28, and 29, T. 145 N., R. 94 and 95 W., fifth principal meridian, as designated by suitable buoy markers, shall be open to fishing. Winter fishing shall be permitted on the entire lake.

§ 33.123 *State fishing laws.* Any person who fishes within the refuge must comply with the applicable fishing laws of the State of North Dakota. Fishing under §§ 33.121 to 33.128, inclusive, shall be by hook and line only, as defined by State law.

§ 33.124 *Fishing licenses and permits.* Any person who fishes within the refuge shall be in possession of a valid fishing license issued by the North Dakota Game and Fish Department, if such license is required. This license shall serve as a Federal permit for fishing in the specified waters of the refuge, and must be exhibited upon the request of any representative of the North Dakota Game and Fish Department or the Fish and Wildlife Service.

§ 33.125 *Routes of travel.* Persons entering the refuge for the purpose of fishing shall follow such routes of travel as may be designated by suitable posting by the officer in charge of the refuge.

§ 33.126 *Use of boats.* The use of motorboats, either inboard or outboard, not to exceed 6-horsepower, for fishing purposes only, is permitted. The use of racing craft, powered by either inboard or outboard motors, is prohibited. Boats may be launched and landed only at points designated by suitable posting by the officer in charge of the refuge. The use of rowboats, canoes, or sailboats is permitted in all waters open to fishing.

§ 33.127 *Shore line fishing.* Fishing from the shore line is permitted on the north shore from the center of section 28, T. 145 N., R. 95 W., 5th P. M., eastward around the shore line to the parking area southwest of the refuge headquarters, as designated by posting by the refuge officer.

§ 33.128 *Temporary restrictions.* During periods of waterfowl concentrations on the refuge, fishing will not be permitted in such areas of the refuge as, in the judgment of the officer in charge, should be closed to fishing in order to provide adequate protection for such waterfowl concentrations and are suitably posted by such officer.

Dated: September 19, 1952.

O. H. JOHNSON, *Acting Director.*

[F. R. Doc. 52-10431; Filed, Sept. 25, 1952; 8:45 a. m.]

Subchapter F—Alaska Commercial Fisheries

PERMISSION TO FISH FOR CHUM SALMON AND DUNGENESS CRABS IN CERTAIN WATERS

Basis and purpose. On the basis of facts obtained by field representatives of the Fish and Wildlife Service, it has been determined that: (1) There is an abundance of chum salmon, in excess of spawning requirements, in certain bays and inlets of Southeastern Alaska which can be taken for commercial purposes without interfering unduly with pink salmon escapements; and (2) that Dungeness crabs of excellent quality are presently available in Orca Inlet in Prince William Sound. Therefore, the following amendment is adopted to become effective immediately.

PART 111—PRINCE WILLIAM SOUND AREA

Section 111.20 is amended by deleting the proviso.

PART 117—SOUTHEASTERN ALASKA AREA, ICY STRAIT DISTRICT, SALMON FISHERIES

Section 117.4 is amended to permit fishing for chum salmon in the open waters of Excursion Inlet from 6 o'clock antemeridian September 25 to 6 o'clock antemerdian October 6: *Provided*, That all fishing boats must be registered with the local representative of the Fish and Wildlife Service before leaving Excursion Inlet during this period with salmon on board.

PART 118—SOUTHEASTERN ALASKA AREA, WESTERN DISTRICT, SALMON FISHERIES

Section 118.6 is amended to permit fishing for chum salmon in the open waters of Hood Bay and Chiak Bay from 6 o'clock antemeridian September 25, to 6 o'clock antemeridian October 6: *Provided*, That all fishing boats must be registered with the local representative of the Fish and Wildlife Service before leaving Hood Bay or Chiak Bay during this period with salmon on board.

PART 119—SOUTHEASTERN ALASKA AREA, EASTERN DISTRICT, SALMON FISHERIES

Section 119.3 is amended to permit fishing for chum salmon in the open

waters of Security Bay and Port Camden from 6 o'clock antemeridian September 25 to 6 o'clock antemeridian October 6: *Provided*, That all fishing boats must be registered with the local representative of the Fish and Wildlife Service before leaving Security Bay or Port Camden during this period with salmon on board.

PART 122—SOUTHEASTERN ALASKA AREA, CLARENCE STRAIT DISTRICT, SALMON FISHERIES

Section 122.5 is amended to permit fishing for chum salmon in the open waters of Cholmondeley Sound from 6 o'clock antemeridian September 25 to 6 o'clock antemeridian October 6: *Provided*, That all fishing boats must be registered with the local representative of the Fish and Wildlife Service before leaving Cholmondeley Sound during this period with salmon on board.

(44 Stat. 752; 48 U. S. C. 221)

ALBERT M. DAY,
Director.

[F. R. Doc. 52-10430; Filed, Sept. 25, 1952; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 943]

[Docket No. AO-231-A2]

HANDLING OF MILK IN THE NORTH TEXAS MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER AMENDING ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Dallas, Texas, on September 16, 1952, pursuant to notice thereof which was issued on September 9, 1952 (17 F. R. 8218).

The material issues of record related to:

1. The level of the Class I price for a limited period; and

2. The necessity for prompt action which would prelude the issuance of a recommended decision.

Findings and conclusions. Upon the evidence adduced at the hearing and the record thereof it is hereby found and concluded that:

1. The formula price for Class I milk should be increased 46 cents per hundredweight for the months of October 1952 through February 1953 and 23 cents for the month of March 1953; this should be accomplished by providing that for these months the differential to be added to basic formula prices be increased by these amounts.

For the second year in succession the production area of the North Texas milkshed has experienced a disastrous drought. As of September 1 the official crop production report of the Department lists practically the entire area as one of extreme drought with the remaining portion in the severe drought classification. Pastures have failed and yields of hay and forage crops have been reduced to a fraction of normal. The cumulative effects of the two year drought make the situation particularly critical for milk production in this area during the coming winter season. Producers have for some time been forced by the failure of their pastures to feed hay during the normal pasture season. With yields of hay sharply reduced by the drought and an extended feeding season producers will need to increase their cash outlays for feed substantially if they are to keep their herds in production.

The 1952 drought covered a much more extensive area than that of 1951. As a result the areas in nearby States from which hay supplies were imported last year by North Texas producers must import hay for their own needs. The competition for supplies and increased transportation costs has resulted in prices of $55 to $60 for alfalfa hay to farmers in the area. There are prospects that the hay program of the Department for drought areas will reduce hay prices. No deliveries under the program were reported at the time of the hearing.

While the North Texas market has shown a steady increase in the number of producers since the order first became effective in September 1951, sales have also increased, and the market is not adequately supplied with milk. In August 1.5 million pounds of other source milk were classified as Class I milk. Many of the new producers entering the market have been from areas in Arkansas, Oklahoma, and Missouri, which are also affected by drought.

With present prospects for milk production there will be a critical shortage of milk in this area unless there is some price incentive for dairymen to incur the costs necessary to continue milk production and avoid the dispersal of producing herds. Handlers have recognized that there is such a need by paying more than the minimum prices of the order for milk delivered the last week or ten days of August. All interests in the market are agreed that the Class I price of the order should be increased for the coming fall and winter season.

Since May the Class I price of the North Texas order has been $6.68, a "floor" price established for the months of May through September. Producers proposed that a "floor" price of $7.40 be established for the months of October through March. For milk received during the latter part of August handlers paid premiums varying from 36 to 61 cents over the $6.47 uniform price for August milk. Approximately half the handlers paid the 36-cent premium, another large group paid a premium of 57 cents and one handler paid a premium of 61 cents.

A consideration of the factors involved in the current condition in the North Texas market leads to the conclusion that the temporary increase required by drought conditions should be effected by increasing the Class I differential of the order rather than by the establishment of a fixed "floor" price. One of the reasons handlers are paying premiums to maintain local production is the high cost of imported supplies of approved milk. Changes in the costs of imported milk follow to considerable degree changes which occur in the basic formula price of the North Texas order. Changes in basic formula prices could easily change the relationship between any fixed "floor" price and the prices of other Federally regulated markets with which the North Texas market competes for producers. This is especially important with respect to the Springfield, Missouri, market, from which approximately 100 producers entered the North Texas market in August.

The present Class I differential of the North Texas order is $2.20 for the months of July through March. An increase of 46 cents in this differential is appropriate at this time in view of the present conditions in the North Texas market, and is approximately the same as the increases granted in competing markets also affected by drought conditions.

A temporary change in the Class I differential which will provide that formula prices rather than "floor" prices to be effective order prices will permit changes in the Class I price of the order to be determined by the basic formula price and supply-demand adjustment provisions of the order, which represent, respectively, the national market for milk or milk products and the relationship of local supplies to sales. Basic formula prices are increasing at this time. Official notice is taken of the fact that condensery pay prices for the first fifteen days of September advanced 17 cents (on a 4 percent milk basis) over the August average. The supply-demand adjustment provision of the North Texas order will provide an upward adjustment of 17.5 cents in the October price. Based on these factors and a Class I differential of $2.66 (the present $2.20 differential

plus 46 cents) the October order Class I price would be $7.323, which is approximately the level proposed as a "floor" price. Under provisions already in the order, the Class I price cannot decrease from October through December.

There is little indication that production conditions in the North Texas milkshed will improve to any appreciable extent prior to March 1953. For the month of March the increase in the differential should be 23 cents rather than 46 cents in view of the near approach of the spring season when production conditions may be expected to improve.

2. The due and timely execution of the function of the Secretary under the act imperatively and unavoidably requires the omission of a recommended decision by the Assistant Administrator, Production and Marketing Administration, and the opportunity for exception thereto, on the above issues.

The conditions complained of are such that it is urgent that remedial action be taken as soon as possible. Delay beyond the minimum time required to make the attached order effective would defeat the purpose of such amendment. Accordingly, the time necessarily involved in the preparation, filing, and publication of a recommended decision, and exceptions thereto, would make such relief ineffective. The propriety of omitting the recommended decision and opportunity for filing exceptions thereto with respect to the proposals here considered was indicated on the record.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of producers and handlers who would be subject to the proposed marketing agreement and order, as amended, and as hereby proposed to be further amended. The briefs contained suggested findings of fact, conclusions, and arguments with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered along with evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein, the requests to make such findings or to reach such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the findings and conclusions in this decision.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

Determination of representative period. The month of August 1952 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order, as amended, regulating the handling of milk in the North Texas marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such order, as amended.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled "Marketing Agreement Regulating the Handling of Milk in the North Texas Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the North Texas Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 24th day of September 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order[1] Amending the Order Regulating the Handling of Milk in the North Texas Marketing Area

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

§ 943.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the North Texas marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies of and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the North Texas marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 943.51 (a) (3) and substitute therefor the following:

(3) For each of the months of October 1952 through February 1953 the amount to be added to the basic formula price shall be $2.66 in lieu of $2.20, and for the month of March 1953 such amount shall be $2.43 in lieu of $2.20.

[F. R. Doc. 52-10503; Filed, Sept. 25, 1952; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 72–74, 77, 78]

[Docket No. 3666; Notice 8]

TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

NOTICE OF PROPOSED RULE MAKING

SEPTEMBER 19, 1952.

The Commission is in receipt of applications for early amendment of the above entitled regulations insofar as they apply to shippers in the preparation of articles for transportation, and to all carriers by rail and highway, as published in orders pursuant to section 835, of the Criminal Code, and Part II of the Interstate Commerce Act.

Application for these amendments ordinarily would be considered at our next hearing in this docket. It appears, however, that the proposed amendments have been the subject of exchanges and study by interested parties, in which substantial agreement has been reached, and it is proposed that the applications be disposed of by modified procedure. The reasons for the proposed amendments are shown in the appendix, hereof.

Any party desiring to be heard upon any of the proposed amendments shall advise the Commission in writing within 20 days from the date of this notice; otherwise, the Commission may proceed to investigate and determine the matters involved in the application, or may suspend action pending formal hearing in this docket.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

PART 72—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 71–78 OF THIS CHAPTER

Amend Commodity List (15 F. R. 8265, 8266, 8269, 8270, 8272, Dec. 2, 1950) (17 F. R. 1558, Feb. 20, 1952; 17 F. R. 4293, May 10, 1952; 17 F. R. 7279, Aug. 9, 1952) (49 CFR 72.5, 1950 Rev.) as follows:

§ 72.5 *List of explosives and other dangerous articles.* (a) * * *

Article	Classed as—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
Change				
Dimethylamine, anhydrous	F. G	73.302, 73.308, 73.314, 73.315	Red Gas	300 pounds.
Engines, internal combustion	See § 73.120.			
Monomethylamine, anhydrous	F. G	73.302, 73.308, 73.314, 73.315	Red Gas	300 pounds.
Motors, internal combustion	See § 73.120.			
Nitrous oxide	Nonf. G	73.302, 73.308, 73.315	Green	300 pounds.
Propellant explosives	Expl. B	No exemption, 73.93	Red #	10 pounds.
Trimethylamine, anhydrous	F. G	73.302, 73.308, 73.314, 73.315	Red Gas	300 pounds.
Add				
Bursters (explosive)	Expl. A	No exemption 73.60		Not accepted.
Charged oil well jet perforating guns *(total explosive contents in guns exceeding 15 pounds per motor vehicle).*	Expl. A	No exemption 73.53 (u), 73.80.		Not accepted.
Charged oil well jet perforating guns *(total explosive contents in guns not exceeding 15 pounds per motor vehicle).*	Expl. C	No exemption 73.53 (u), 73.110.		Not accepted.
*Dichlorodifluoromethane-monofluorotrichloromethane mixture.	Nonf. G	73.302, 73.314, 73.315	Green	300 pounds.
Monochloropentafluoroethane	Nonf. G	73.302, 73.308	Green	300 pounds.
*Nickel catalyst, finely divided, activated or spent.	F. S	No exemption, 73.233	Yellow	100 pounds.
Supplementary charges (explosive)	Expl. A	No exemption, 73.69		Not accepted.

PART 73—SHIPPERS

SUBPART A—PREPARATION OF ARTICLES FOR TRANSPORTATION BY CARRIERS BY RAIL FREIGHT, RAIL EXPRESS, HIGHWAY, OR WATER

1. Amend § 73.29 introductory text of paragraph (a), and paragraph (d) (16 F. R. 5322, June 6, 1951) (15 F. R. 8277, Dec. 2, 1950) (49 CFR 73.29, 1950 Rev., 1951 Supp.) to read as follows:

§ 73.29 *Empty containers.* (a) Empty cylinders, barrels, kegs, drums, or other containers except carboys (see paragraph (c) of this section) previously used for the shipment of any explosive or other dangerous article, as defined in this part, if authorized for reuse must have all openings including removable heads, filling and vent holes, tightly closed before being offered for transportation. Small quantities of the material with which containers were loaded may remain in "empty" containers and when the vapors remaining therein are unstable, it is permissible to add sufficient inert gas to render the vapors stable.

* * * * *

(d) Empty bottles other than carboys previously used for the shipment of acids or other corrosive liquids must be securely stoppered.

* * * * *

2. Amend § 73.31 Note 1 and Note 2 to paragraph (g) and entire paragraph (h) (16 F. R. 9373, Sept. 15, 1951) (16 F. R. 11775, Nov. 21, 1951) (15 F. R. 8278, 8279, Dec. 2, 1950) (49 CFR 73.31, 1950 Rev., 1951 Supp.) to read as follows:

§ 73.31 *Qualification, maintenance and use of tank cars.* * * *

(g) * * *

NOTE 1: Periodic retests of metal tanks, safety valves, and heater systems of tank cars, except those in chlorine service, now required to be made as prescribed in paragraph (g) of this section, may be waived because of the present emergency and until December 31, 1953, or until further order of the Commission.

NOTE 2: Periodic retests of metal tanks, safety valves, and heater systems of ICC–103A, 103A–W, 103C, 103C–W, and 103C–AL tank cars (§§ 78.266, 78.281, 78.268, or 78.283 of this chapter), now required to be made as prescribed in paragraph (g) of this section, may be made at 5-year intervals up to 10 years of service, thereafter at 3-year intervals up to 22 years of service, and annually after 22 years of service until December 31, 1953, or until further order of the Commission.

(h) Tank cars and appurtenances may be used for the transportation of any commodity for which they are authorized, as indicated on the certificate of construction. When a car is to be used for the transportation of a commodity other than those approved on the certificate of construction, it must be approved for such loading by the A. A. R. Tank Car Committee. Changes in fittings or commodity stenciling required to transfer a car from one service to another as authorized on the certificates of construction may be only by the owner or owner's authorized agent; except, that where no change in fittings or other appurtenances is necessary, ICC–103, 103W, 103A, 103A–W, 103B, 103B–W, 103C, and 103C–W (§§ 78.265, 78.280, 78.266, 78.281, 78.267, 78.282, 78.268, and 78.283 of this chapter) tank cars may be transferred from one commodity service to another when authorized for the transportation of such commodity by this part.

NOTE 1: For qualification of cylinders and tank cars for compressed gases see §§ 73.34, 73.301 (g), and 73.314.

* * * * *

SUBPART B—EXPLOSIVES; DEFINITION AND PREPARATION

1. Amend § 73.53 paragraph (s), and add paragraph (u) (15 F. R. 8286, Dec. 2, 1950) (49 CFR 73.53, 1950 Rev.) to read as follows:

§ 73.53 *Definition of class A explosives.* * * *

(s) *Boosters, bursters, and supplementary charges.* Boosters and supplementary charges consist of a casing containing a high explosive and are used to increase the intensity of explosion of the detonator of a detonating fuze. Bursters consist of a casing containing a high explosive and used to rupture a projectile or bomb to permit release of its contents.

* * * * *

(u) *Charged oil well jet perforating guns.* Charged oil well jet perforating guns are steel tubes or metallic strips into which are inserted shaped charges connected in series by primacord. Shaped charges must be of a type described in paragraph (h) (1) of this section, except that each shaped charge installed in the steel tube or metallic strip shall contain not over 35 grams of high explosive. Charged oil well jet perforating guns must not be transported with blasting caps, electric blasting caps, or other firing devices affixed to or installed in the guns.

2. Amend § 73.58 paragraph (b) (15 F. R. 8287, Dec. 2, 1950) (49 CFR 73.58, 1950 Rev.) to read as follows:

§ 73.58 *Ammunition for small arms.*
* * *

(b) Each outside package must be plainly marked "AMMUNITION FOR SMALL ARMS WITH EXPLOSIVE BULLETS" or "AMMUNITION FOR SMALL ARMS WITH EXPLOSIVE PROJECTILES," as the case may be.

* * * * *

3. Amend § 73.60 paragraph (e) (15 F. R. 8287, Dec. 2, 1950) (49 CFR 73.60, 1950 Rev.) to read as follows:

§ 73.60 *Black powder and low explosives.* * * *

(e) Each outside package must be plainly marked, stamped, or stenciled "BLACK POWDER" or "LOW EXPLOSIVES," and may also show "BLASTING," "RIFLE," etc., as "BLACK BLASTING POWDER," "BLACK RIFLE POWDER," "LOW BLASTING EXPLOSIVE" or "BLACK PELLET POWDER," as the case may be.

* * * * *

4. Add paragraph (c) (2) to § 73.63 (15 F. R. 8288, Dec. 2, 1950) (49 CFR 73.63, 1950 Rev.) to read as follows:

§ 73.63 *High explosive with liquid explosive ingredient.* * * *

(c) * * *

(2) Spec. 14, 15A, or 16A (§§ 78.165, 78.168, or 78.185 of this chapter). Wooden boxes, or spec. 23F or 23H (§§ 78.214 or 78.219 of this chapter) fiberboard boxes, with inside containers which must be paraffined two-ply paper bags not exceeding 12½ pounds capacity, securely closed by folding the tops and securing the fold by tape, with not more than two such bags inserted into another two-ply paper bag which must be securely closed and dipped in paraffin after closing. Gross weight of wooden boxes not to exceed 75 pounds and gross weight of fiberboard boxes not to exceed 65 pounds.

* * * * *

5. Amend entire § 73.69 (17 F. R. 7280, Aug. 9, 1952) (16 F. R. 11776, Nov. 21, 1951) (15 F. R. 8291, Dec. 2, 1950) (49 CFR 1950 Rev., 1951 Supp. 73.69) to read as follows:

§ 73.69 *Detonating fuzes, detonating fuze parts containing an explosive, boosters, bursters or supplementary charges.* (a) Detonating fuzes, detonating fuze parts containing an explosive, boosters, bursters or supplementary charges when shipped not assembled in projectiles, bombs, etc., must be packed and well secured in strong, tight wooden boxes.

(b) The gross weight of one outside package containing detonating fuzes must not exceed 190 pounds. Boosters, bursters and supplementary charges, without detonators, when shipped separately, must not exceed a gross weight of 300 pounds.

(c) Each outside package must be plainly marked "DETONATING FUZES, HANDLE CAREFULLY — DO NOT STORE OR LOAD WITH AND HIGH EXPLOSIVE," or "BOOSTERS (EXPLOSIVE)—HANDLE CAREFULLY," or "BURSTERS (EXPLOSIVE)—HANDLE CAREFULLY," or "SUPPLEMENTARY CHARGES (EXPLOSIVE) — HANDLE CAREFULLY," as the case may be.

(d) Detonating fuzes, boosters, bursters and supplementary charges must not be offered for transportation by rail express, except as provided in § 73.86 and § 75.675 of this chapter.

6. Add § 73.80 (15 F. R. 8292, Dec. 2, 1950) (49 CFR 73.80, 1950 Rev.) to read as follows:

§ 73.80 *Charged oil well jet perforating guns.* (a) Charged oil well jet perforating guns, when transported by motor vehicles operated by private carriers engaged in oil well operations in which the total weight of the explosive contents of shaped charges assembled to guns being transported does not exceed 15 pounds per such vehicle, are classed as class C explosives. See § 73.110.

(b) Charged oil well jet perforating guns of the steel tube type must be packed without blasting caps, electric blasting caps, or other firing devices affixed to or installed in the guns and transported in fully-enclosed specially-constructed bodies of motor vehicles operated by private carriers engaged in oil well operations. Shaped charges assembled in the steel tubes and connected in series by primacord must be of the type described in § 73.53 (h) (1), except that each shaped charge shall contain not over 35 grams of high explosive and each shaped charge if not completely enclosed in glass must be fully protected by a metal or other equally efficient cover after installation in the gun.

(c) Charged oil well jet perforating guns of the metallic strip type must be packed without blasting caps, electric blasting caps, or other firing devices affixed to or installed in the guns in steel tubes or pipes having wall thickness at least ¼ inch and of sufficient length and diameter to completely enclose each gun and transported in fully-enclosed specially-constructed bodies of motor vehicles operated by private carriers engaged in oil well operations. Shaped charges assembled in the metallic strips and connected in series by primacord must be of the type described in § 73.53 (h) (1), except that each shaped charge shall contain not over 35 grams of high explosive and each shaped charge if not completely enclosed in glass must be fully protected by a metal or other equally efficient cover after installation in the gun.

(d) The charged oil well jet perforating guns described in paragraphs (b) and (c) of this section and the bodies of motor vehicles transporting such guns must be so designed and constructed that accidental damage to guns or shaped charges will be avoided. The assembled gun or guns packed as required by paragraphs (b) or (c) of this section must be secured in the body of the motor vehicle in a fixed position so as to prevent movement relative to each other or in the body of the motor vehicle.

(e) Blasting caps, electric blasting caps, or other firing devices transported on any motor vehicle operated by private carriers engaged in oil well operations transporting charged oil well jet perforating guns shall be segregated; each kind from every other kind, and from jet perforating guns, tools or other supplies. Blasting caps, electric blasting caps, or other firing devices shall be carried in a container having individual pockets for each such device or by at least equally safe means. No greater number of blasting caps, electric blasting caps, or other firing devices shall be transported on the same motor vehicle transporting oil well jet perforating guns than is necessary for use on any particular trip.

(f) Charged oil well jet perforating guns must not be offered for transportation by carriers by rail freight, rail express, rail baggage, water, or by common or contract carriers by public highway.

7. Amend § 73.93 paragraph (f) (2) (17 F. R. 1561, Feb. 20, 1952) (49 CFR 73.93, 1950 Rev.) to read as follows:

§ 73.93 *Propellant explosives for cannon, small arms, or other devices.* * * *

(f) * * *

(2) *Label.* Each outside container of propellant explosives, when offered for transportation by rail express, must have securely and conspicuously attached to it a square red label as described in § 73.412.

8. Amend § 73.100 paragraphs (g) and (h) (15 F. R. 8295, Dec. 2, 1950) (49 CFR 73.100, 1950 Rev.) to read as follows:

§ 73.100 *Definition of class C explosives.* * * *

(g) Cartridge bags, empty, with black powder igniters consist of empty bags having attached thereto an igniter composed of black powder. (See § 73.93 (b), (c), and (d) when shipped with propellant explosives.)

(h) Igniters consist of fiberboard, plastic, paper or metal tubes containing a small quantity of igniting compound which is ignited by the action of a primer, pull wire or scratch composition.

* * * * *

9. Add § 73.110 (15 F. R. 8297, Dec. 2, 1950) (49 CFR 73.110, 1950 Rev.) to read as follows:

§ 73.110 *Charged oil well jet perforating guns, total explosive content in guns not exceeding 15 pounds per motor vehicle.* (a) Charged oil well jet perforating guns transported by motor vehicles operated by private carriers engaged in oil well operations in which the total weight of the explosive contents of shaped charges assembled to guns being transported does not exceed 15 pounds per such vehicle must be packed as prescribed in § 73.80 (b), (c), (d) and (e).

(b) Charged oil well jet perforating guns must not be offered for transportation by carriers by rail freight, rail express, rail baggage, water, or by common or contract carriers by public highway.

SUBPART C—FLAMMABLE LIQUIDS; DEFINITION AND PREPARATION

Amend § 73.140 paragraph (a) (1) (16 F. R. 9374, Sept. 15, 1951) (49 CFR 1950 Rev., 1951 Supp., 73.140) to read as follows:

§ 73.140 *Zirconium, metallic, solutions, or mixtures thereof, liquid.* (a) * * *

(1) Spec. 15A, 15B, or 15C (§§ 78.168, 78.169, or 78.170 of this chapter). Wooden boxes with inside metal containers. Each inside container shall not contain more than 20 individual glass or

porcelain jars, not exceeding 2-ounce capacity each, securely closed and completely cushioned in incombustible cushioning material in sufficient quantity to completely absorb the contents.

SUBPART D—FLAMMABLE SOLIDS AND OXIDIZING MATERIALS; DEFINITION AND PREPARATION

1. Add paragraph (c) (62) to § 73.153 (15 F. R. 8303, Dec. 2, 1950) (49 CFR 73.153, 1950 Rev.) to read as follows:

§ 73.153 *Exemptions for flammable solids and oxidizing materials.* * * *

(c) * * *

(62) Nickel catalyst, finely divided, activated or spent.

2. Add paragraph (a) (2) to § 73.157 (15 F. R. 8304, Dec. 2, 1950) (49 CFR 73.157, 1950 Rev.) to read as follows:

§ 73.157 *Benzoyl peroxide, chlorobenzoyl peroxide (para), lauroyl peroxide or succinic acid peroxide, wet.* (a) * * *

(2) Spec. 5, 5B, 6A, 6B, or 6C (§§ 78.80, 78.82, 78.97, 78.98, or 78.99 of this chapter). Metal barrels or drums having liners of polyethylene or other suitable material. Not more than 4 vent holes of not to exceed ⅛-inch diameter may be provided in the drum near the top periphery. Gross weight not to exceed 350 pounds. Authorized only for benzoyl peroxide, wet.

3. Add paragraph (a) (4) to § 73.158 (15 F. R. 8304, Dec. 2, 1950) (49 CFR 73.158, 1950 Rev.) to read as follows:

§ 73.158 *Benzoyl peroxide, dry, lauroyl peroxide, dry, chlorobenzoyl peroxide (para), dry, or succinic acid peroxide, dry.* (a) * * *

(4) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside fiber containers securely closed by taping or gluing, not over 1 pound capacity each. Each inside container must be surrounded by asbestos or fire resistant cushioning material which will protect the contents with equal efficiency. Net weight in outside container must not exceed 50 pounds.

4. Amend § 73.162 paragraph (g) (1) (15 F. R. 8305, Dec. 2, 1950) (49 CFR 73.162, 1950 Rev.) to read as follows:

§ 73.162 *Charcoal.* * * *

(g) * * *

(1) Lump charcoal used for the preparation of ground, crushed, granulated, or pulverized charcoal must be stored subject to ventilation, and protected from the weather for not less than 20 days after its removal from the coolers before milling; or the ground, crushed, granulated or pulverized charcoal must be stored in bags, subject to ventilation and protected from the weather for not less than 20 days before shipment. Lump charcoal made from pine wood must be stored as above described for not less than 5 days before milling. Ground, crushed, or granulated charcoal made by the "Stafford" process must be stored subject to ventilation and protected from the weather for not less than 7 days before shipment in lieu of the 20-days' storage otherwise prescribed.

* * * * *

5. Add paragraph (a) (2) to § 73.215 (15 F. R. 8311, Dec. 2, 1950) (49 CFR 73.215, 1950 Rev.) to read as follows:

§ 73.215 *Zirconium, metallic, dry.* (a) * * *

(2) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside containers which must be securely closed glass bottles or metal containers not over 1 pound net weight each and enclosed in a securely closed metal can and sufficiently cushioned with noncombustible material.

6. Amend § 73.229 paragraph (a), and paragraph (c) (17 F. R. 7281, Aug. 9, 1952) (49 CFR 73.229, 1950 Rev.) to read as follows:

§ 73.229 *Chlorate and borate mixtures and chlorate and magnesium chloride mixtures.* (a) Chlorate and borate mixtures and chlorate and magnesium chloride mixtures containing no other hazardous additives must be packed as follows:

* * * * *

(c) Chlorate and borate mixtures and chlorate and magnesium chloride mixtures containing no other hazardous additives and containing less than 50 percent chlorate, packed in strong tight metal or fiber drums or in wooden boxes with tight inside metal containers are exempt from specification packaging, marking, and labeling requirements for transportation by rail freight or highway.

7. Add § 73.233 (15 F. R. 8312, Dec. 2, 1950) (49 CFR 73.233, 1950 Rev.) to read as follows:

§ 73.233 *Nickel catalyst, finely divided, activated or spent.* (a) Nickel catalyst, finely divided, activated or spent must be wet with not less than 40 percent by weight of water or other equally suitable liquid and must be packed in specification containers as follows:

(1) Spec. 15A or 15B (§§ 78.168 or 78.169 of this chapter). Wooden boxes with airtight metal inside containers which must have closing device fastened by positive means (not friction).

(2) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with airtight metal inside containers which must have closing device fastened by positive means (not friction).

(3) Spec. 5, 6A, 6B, or 6C (§§ 78.80, 78.97, 78.98, or 78.99 of this chapter). Metal barrels or drums not over 55 gallons capacity each.

SUBPART E—ACIDS AND OTHER CORROSIVE LIQUIDS; DEFINITION AND PREPARATION

1. Amend § 73.245 paragraph (a) (4) (17 F. R. 1561, Feb. 20, 1952) (49 CFR 73.245, 1950 Rev.) to read as follows:

§ 73.245 *Acids or other corrosive liquids not specifically provided for.* (a) * * *

(4) Spec. 5A, 5C, or 5M (§§ 78.81, 78.83, or 78.90 of this chapter). Metal barrels or drums.

* * * * *

2. Amend § 73.263 paragraph (a) (9) and add paragraph (a) (12) (15 F. R. 8317, Dec. 2, 1950) (49 CFR 73.263, 1950 Rev.) to read as follows:

§ 73.263 *Hydrochloric (muriatic) acid, hydrochloric acid mixtures, and sodium chlorite solution.* (a) * * *

(9) Spec. 103B, 103B–W, 108, or 108A (§§ 78.267, 78.282, 78.278, or 78.279 of this chapter). Tank cars. Authorized for acid not over 38 percent strength by weight.

* * * * *

(12) Spec. 103B100–W (§ 78.296 of this chapter). Tank cars. Authorized for acid not over 44½ percent strength by weight.

* * * * *

3. Amend § 73.264 paragraph (b) (1) 16 F. R. 9375, Sept. 15, 1951) (49 CFR 73.264, 1950 Rev.) to read as follows:

§ 73.264 *Hydrofluoric acid.* * * *

(b) * * *

(1) Spec. 3,[1] 3A, 3AA, 3B, 3C, 3E, 4, 4A, 25,[2] or 38,[2] also spec. 4B, 4BA, or 4C if not brazed (§§ 78.36, 78.37, 78.38, 78.40, 78.42, 78.48, 78.49, also 78.50, 78.51, or 78.52 of this chapter). Cylinders. Filling density must not exceed 85 percent of the pounds water weight capacity of the cylinder.

* * * * *

SUBPART F—COMPRESSED GASES; DEFINITION AND PREPARATION

1. Amend § 73.308 paragraph (a) Table (17 F. R. 7282, Aug. 9, 1952) (16 F. R. 9376, Sept. 15, 1951) (49 CFR 1950 Rev., 1951 Supp., 73.308) to read as follows:

§ 73.308 *Compressed gases in cylinders.* (a) * * *

Kind of gas	Maximum permitted filling density (see Note 12)	Cylinders (see Note 11) marked as shown in this column must be used except as provided in Note 1 and § 73.34 (a) to (e)
	Percent	
Anhydrous ammonia	54	ICC–4; ICC-3A480; ICC-3AA480; ICC-3A480X; ICC-4A480; ICC-3.
Carbon dioxide—nitrous oxide mixtures	68	ICC–3A1800; ICC-3AA1800; ICC-3.
Chlorine (see Note 6)	125	ICC-3A480; ICC-3AA480; ICC-25; ICC-3; ICC-3BN480.
Cyclopropane	55	ICC–3A225; ICC-3AA225; ICC-3B225; ICC-4A225; ICC-4B225; ICC-4BA225; ICC-7-300; ICC-3; ICC-3E1800.
Dichlorodifluoromethane	119	ICC–3A225; ICC-3AA225; ICC-3B225; ICC-4A225; ICC-4B225; ICC-4BA225; ICC-9.
Dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture).	(1)	ICC–3A240; ICC-3AA240; ICC-3B240; ICC-4A240; ICC-4B240; ICC-4BA240; ICC-9.
Difluoroethane	79	ICC–3A150; ICC-3AA150; ICC-3B150; ICC-4B150; ICC-4BA225.
Difluoromonochloroethane	100	ICC–3A150; ICC-3AA150; ICC-3B150; ICC-4B150; ICC-4BA225.
Dimethylamine, anhydrous	59	ICC–3A150; ICC-3AA150; ICC- 3B150; ICC-4B150; ICC-4BA225.

[1] § 73.304 (a) and (b).

Kind of gas	Maximum permitted filling density (see Note 12)	Cylinders (see Note 11) marked as shown in this column must be used except as provided in Note 1 and § 73.34 (a) to (e)
	Percent	
Ethane	35.8	ICC-3A1800; ICC-3AA1800; ICC-3.
	36.8	ICC-3A2000; ICC-3AA2000.
Ethylene	31.0	ICC-3A1800; ICC-3AA1800; ICC-3.
	32.5	ICC-3A2000; ICC-3AA2000.
Hydrogen chloride	60	ICC-3A1800; ICC-3AA1800; ICC-3.
Hydrogen sulfide	68	ICC-3A480; ICC-3AA480; ICC-3B480; ICC-4A480; ICC-4B480; ICC-4BA480; ICC-26-480.
Insecticide, liquefied gas (see Note 8)	(2)	ICC-3A300; ICC-3AA300; ICC-3B300; ICC-4B300; ICC-4BA300; ICC-9; ICC-40.
Liquefied carbon dioxide (see Notes 3 and 5).	68	ICC-3A1800; ICC-3AA1800; ICC-3.
Liquefied nonflammable gases, liquids other than those classified as flammable, corrosive, or poisonous and mixtures or solutions thereof, charged with nitrogen, carbon dioxide, or air (see Note 10).	(2)	ICC-3A300; ICC-3AA300; ICC-4B300; ICC-4BA300; ICC-4D300.
Methyl chloride (see Note 4)	84	ICC-3A225; ICC-3AA225; ICC-3B225; ICC-4A225; ICC-4B225; ICC-4BA225; ICC-3; ICC-4; ICC-25; ICC-26-300; ICC-38.
Methyl mercaptan	80	ICC-3A240; ICC-3AA240; ICC-3B240; ICC-4B240; ICC-4BA240.
Monochlorodifluoromethane	105	ICC-3A240; ICC-3AA240; ICC-3B240; ICC-4B240; ICC-4BA240.
Monochloropentafluoroethane	110	ICC-3A225; ICC-3AA225; ICC-3B225; ICC-4A225; ICC-4B225; ICC-4BA225.
Monochlorotrifluoromethane	100	ICC-3A1800; ICC-3AA1800; ICC-3.
Monomethylamine, anhydrous	60	ICC-3A150; ICC-3AA150; ICC-3B150; ICC-4B150; ICC-4BA225.
Nitrosyl chloride	110	ICC-3BN400 only.
Nitrous oxide (see Note 2)	68	ICC-3A1800; ICC-3AA1800; ICC-3.
Propylene	44	ICC-3A300; ICC-3AA300; ICC-3B300; ICC-4A300; ICC-4B300; ICC-4BA300; ICC-3; ICC-4; ICC-25; ICC-26-300; ICC-38.
Sulfur dioxide	125	ICC-3A225; ICC-3AA225; ICC-3B225; ICC-4A225; ICC-4B225; ICC-4BA225; ICC-3; ICC-4; ICC-25; ICC-26-150; ICC-38.
Sulfur hexafluoride	110	ICC-3A1800; ICC-3AA1800; ICC-3.
Tetrafluoroethylene, inhibited	90	ICC-3A1200; ICC-3AA1200; ICC-3E1800.
Trifluorochloroethylene	115	ICC-3A300; ICC-3AA300; ICC-3B300; ICC-4A300; ICC-4B300; ICC-4BA300.
Trimethylamine, anhydrous	57	ICC-3A150; ICC-3AA150; ICC-3B150; ICC-4B150; ICC-4BA225.
Vinyl chloride, inhibited (see Note 7)	84	ICC-4B300, without brazed seams; ICC-4BA300, without brazed seams; ICC-3A300; ICC-3AA300; ICC-25.
Vinyl methyl ether, inhibited (see Note 7)	68	ICC-4B300, without brazed seams; ICC-4BA300, without brazed seams; ICC-3A300; ICC-3AA300; ICC-3B300; ICC-25.

[2] § 73.304 (a) and (b).
[3] § 73.304 (a) and (b) and the pressure in the container must not at 130° F. exceed 5/4 the marked service pressure of the container.

(No change in Notes.)

* * * * * * *

2. Amend § 73.314 paragraph (a) Table, Note 12, and add Note 17 (16 F. R. 9377, Sept. 15, 1951) (15 F. R. 8329, Dec. 2, 1950) (49 CFR 1950 Rev., 1951 Supp., 73.314) to read as follows:

§ 73.314 *Compressed gases in tank cars.* (a) * * *

Kind of gas	Maximum permitted filling density, Note 1	Required type of tank car, Note 2
	Percent	
Anhydrous ammonia	50	ICC-106A500, 106A500X, Note 12.
	57	ICC-105A300, 105A300W.
Argon	Note 5	ICC-107A.
Butadiene (pressure not exceeding 75 pounds per square inch at 105° F.).	Note 3	ICC-104A, 104A-W, Note 9.
Chlorine	125	ICC-106A500, 106A500X, Note 12.
	125	ICC-105A300, 105A300W, Note 8.
Crude nitrogen fertilizer solution	Note 6	ICC-106A500, 106A500X, 105A300, 105A300W.
Dichlorodifluoromethane	119	ICC-106A500, 106A500X, 110A500W, Note 12.
	125	ICC-105A300, 105A300W.
Dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture).	Note 6	ICC-106A500, 106A500X, Note 12. ICC-105A300, 105A300W.
Dichlorodifluoromethane-monofluorotrichloromethane mixture.	Note 16	ICC-106A500, 106A500X, 110A500W, Note 12. ICC-105A300, 105A300W.
Difluoroethane	79	ICC-106A500, 106A500X, Note 12.
Difluoromonochloroethane	100	ICC-106A500, 106A500X, Note 12.
Dimethylamine, anhydrous	59	ICC-106A500, 106A500X.
	62	ICC-105A300, 105A300W.
Dimethyl ether	59	ICC-106A500, 106A500X.
	62	ICC-105A300, 105A300W.
Dispersant gas, n. o. s.	Note 16	ICC-106A500, 106A500X, Note 12.
Fertilizer ammoniating solution containing free ammonia.	Note 6	ICC-106A500, 106A500X, 105A300, 105A300W.
Helium	Note 5	ICC-107A.
Hydrogen	Note 5	ICC-107A, Note 7.
Hydrogen sulfide	68	ICC-106A800, 106A800X, Notes 12 and 13.
Liquid carbon dioxide	Note 10	ICC-105A500, 105A500W, 105A600, 105A600W, Note 11.
Liquid hydrocarbon gas	Note 6	Notes 5 and 9.
Liquefied petroleum gas (pressure not exceeding 75 pounds per square inch at 105° F.).	Note 3	ICC-104A, 104A-W, Note 9.
Liquefied petroleum gas (pressure not exceeding 225 pounds per square inch at 105° F.).	Note 3	ICC-105A300, 105A300W, Notes 5 and 9.
Liquefied petroleum gas (pressure not exceeding 300 pounds per square inch at 105° F.).	Note 3	ICC-105A400, 105A400W, Notes 5 and 9.
Liquefied petroleum gas (pressure not exceeding 375 pounds per square inch at 105° F.).	Note 3	ICC-105A500, 105A500W, Notes 5 and 9.
Liquefied petroleum gas (pressure not exceeding 375 pounds per square inch at 130° F.).	Note 4	ICC-106A500, 106A500X.
Liquefied petroleum gas (pressure not exceeding 450 pounds per square inch at 105° F.).	Note 3	ICC-105A600, 105A600W, Notes 5 and 9.
Methyl chloride	84	ICC-106A500, 106A500X, Note 12. ICC-105A-300, 105A300W.
Methyl mercaptan	80	ICC-106A500, 106A500X, Note 13.
Monochlorodifluoromethane	105	ICC-106A500, 106A500X, 110A500W, Note 12.
	110	ICC-105A300, 105A300W.
Monochlorotetrafluoroethane	125	ICC-106A500, 106A500X, Note 12.
Monomethylamine, anhydrous	60	ICC-106A500, 106A500X.
	62	ICC-105A300, 105A300W.
Nitrogen	Note 5	ICC-107A.
Nitrosyl chloride	110	ICC-106A806NCI, Notes 12 and 17.
	124	ICC-105A300W, Note 15.
Oxygen	Note 5	ICC-107A.
Sulfur dioxide	125	ICC-106A500, 106A500X, Note 12.
	125	ICC-105A300, 105A300W.
Trimethylamine, anhydrous	57	ICC-106A500, 106A500X.
	59	ICC-105A300, 105A300W.
Vinyl chloride, inhibited	84	ICC-106A500, 106A500X, Note 12.
	87	ICC-105A300, 105A300W.

* * * * * * *

NOTE 12: Tanks complying with specification 106A500 or 106A500X (§ 78.275 of this chapter), containing chlorine anhydrous ammonia, sulfur dioxide, methyl chloride, dichlorodifluoromethane, monochlorodifluoromethane, monochlorotetrafluoroethane, vinyl chloride, inhibited, difluoroethane, difluoromonochloroethane, dispersant gas, n. o. s., dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture) or dichlorodifluoromethane-monofluorotrichloromethane mixture, tanks complying with specification 110A500W (§ 78.295 of this chapter), containing dichlorodifluoromethane, monochlorodifluoromethane, or dichlorodifluoromethane-monofluorotrichloromethane mixture, tanks complying with specification 106A800 or 106A800X (§ 78.276 of this chapter), containing hydrogen sulfide, or tanks complying with specification 106A806NCI (§ 78.295 of this chapter), containing nitrosyl chloride, may be transported on trucks or semi-trailers only, when securely chocked or clamped thereon to prevent shifting, and provided adequate facilities are present for handling tanks where transfer in transit is necessary. See § 74.560 of this chapter, for rail freight-motor vehicle shipments.

* * * * * * *

NOTE 17: Safety vents must be of the fusible plug type and must function at a temperature of not exceeding 175° F. and be vapor tight at 130° F.

* * * * * * *

3. Amend § 73.315 paragraph (a) (1) Table, paragraph (h) Table, and paragraph (i) (2) Table (17 F. R. 7282, Aug. 9, 1952) (15 F. R. 8330, 8331, Dec. 2, 1950) (49 CFR 73.315, 1950 Rev.) to read as follows:

§ 73.315 *Compressed gases in cargo tanks and portable tank containers.* (a) * * *

(1) * * *

Kind of gas	Maximum permitted filling density		Specification container required	
	Percent by weight (see Note 1)	Percent by volume (see par. (f) of this section)	Type (see Note 2)	Minimum design working pressure (p. s. i. g.)
Anhydrous ammonia	56	82 See Note 5	ICC-51, MC-330	265.
Anhydrous dimethylamine	59	See Note 7	ICC-51, MC-330	150.
Anhydrous monomethylamine	60	See Note 7	ICC-51, MC-330	150.
Anhydrous trimethylamine	57	See Note 7	ICC-51, MC-330	150.
Carbon dioxide	(1)	95	ICC-51, MC-330	200; see Note 3.
Dichlorodifluoromethane-monofluorotrichloromethane mixture.	(1)	See Note 7	MC-330	250.
Liquefied petroleum gas	(2)	(2)	ICC-51, MC-330	See subpar. (b) (1) of this section.
Nitrous oxide	(1)	95	ICC-51, MC-330	200; see Note 3.
Sulfur dioxide (tanks not over 1,200 gallons water capacity).	125	87.5	ICC-51, MC-330	150; see Note 4.
Sulfur dioxide (tanks over 1,200 gallons water capacity).	125	87.5	ICC-51, MC-330	125; see Note 4.
Sulfur dioxide (optional portable tank 1,000-2,000 pounds water capacity, fusible plug).	125	See Note 6	ICC-51	225.

[1] See par. (e) of this section.
[2] See par. (b) of this section.

* * * * *

(h) * * *

Kind of gas	Permitted gaging device
Anhydrous ammonia	Rotary tube; fixed length dip tube.
Carbon dioxide	Rotary tube; adjustable slip tube; fixed length dip tube.
Dichlorodifluoromethane-monofluorotrichloromethane mixture.	None.
Liquefied petroleum gases	Rotary tube; adjustable slip tube; fixed length dip tube.
Nitrous oxide	Rotary tube; adjustable slip tube; fixed length dip tube.
Sulfur dioxide	Fixed length dip tube.

* * * * *

(i) * * *

(2) * * *

Kind of gas	Minimum start-to-discharge pressure (p. s. i. g.)
Anhydrous ammonia	265
Carbon dioxide	(1)
Dichlorodifluoromethane-monofluorotrichloromethane mixture.	250
Liquefied petroleum gases	(2)
Nitrous oxide	(2)
Sulfur dioxide:	
Up to 1,200 gal. water capacity tank	120
Over 1,200 gal. water capacity tank	110

[1] See par. (i)(1) of this section.
[2] 90 percent of the design working pressure of tank.

* * * * *

SUBPART G—POISONOUS ARTICLES; DEFINITION AND PREPARATION

1. Add paragraph (a) (4) to § 73.332 (15 F. R. 8333, Dec. 2, 1950) (49 CFR 73.332, 1950 Rev.) to read as follows:

§ 73.332 *Hydrocyanic acid, liquid (prussic acid) and hydrocyanic acid liquefied.* (a) * * *

(4) Spec. 105A500W (§ 78.288 of this chapter). Tank cars which shall be not over 6,000 gallons capacity. The weight of lading shall not exceed 60 percent of the water weight capacity of the car. Valves and fittings must be tested for leakage by a method acceptable to the Bureau of Explosives.

* * * * *

2. Add paragraph (a) (2) to § 73.333 (15 F. R. 8333, Dec. 2, 1950) (49 CFR 73.333, 1950 Rev.) to read as follows:

§ 73.333 *Phosgene or diphosgene.* (a) * * *

(2) Spec. 106A500 or 106A500X (§ 78.275 of this chapter). Tank cars. Each container must be equipped with valve protection caps, gastight, which must be approved by the Bureau of Explosives; containers must not be equipped with safety devices of any type; containers must be filled so that they will not be liquid full at 130° F. Authorized only for phosgene.

* * * * *

3. Amend § 73.346 paragraph (a) (1) (15 F. R. 8334, Dec. 2, 1950) (49 CFR 73.346, 1950 Rev.) to read as follows:

§ 73.346 *Poisonous liquids not specifically provided for.* (a) * * *

(1) Spec. 5, 5A, 5B, or 5C (§§ 78.80, 78.81, 78.82, or 78.83 of this chapter). Metal barrels or drums, with openings not exceeding 2.3 inches in diameter.

* * * * *

4. Add paragraph (a) (8) to § 73.359 (17 F. R. 4295, May 10, 1952) (49 CFR 73.359, 1950 Rev.) to read as follows:

§ 73.359 *Hexaethyl tetraphosphate mixtures, methyl parathion mixtures, parathion mixtures, tetraethyl dithio pyrophospate mixtures, and tetraethyl pyrophosphate mixtures, liquid.* (a) * * *

(8) Spec. 12B (§78.205 of this chapter). Fiberboard boxes as authorized by § 78.205–19 (a) of this chapter.

* * * * *

PART 74—CARRIERS BY RAIL FREIGHT

SUBPART B—LOADING AND STORAGE CHART OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Amend items e and g vertical and horizontal columns, and add footnote d to chart in paragraph (a) of § 74.538 (15 F. R. 8349, 8350, Dec. 2, 1950) (49 CFR 74.538, 1950 Rev.) to read as follows:

§ 74.538 *Loading and storage chart of explosives and other dangerous articles.* (a) * * *

"e" Ammunition for cannon with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles or shell, ammunition for small arms with explosive bullets, or ammunition for small arms with explosive projectiles, or rocket ammunition with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles; and boosters (explosive) bursters (explosive), or supplementary charges (explosive) without detonators.[c,d]

* * * * *

"g" Detonating fuzes.

* * * * *

[d] Bursters (explosive), boosters (explosive), or supplementary charges (explosive) without detonators when shipped by, to or for the Departments of the Army, Navy, and Air Force of the United States Government may be loaded with any of the articles named except those in columns c, d, 3, 9, 10, 11, 12, 13, 14, and 15.

* * * * *

SUBPART C—PLACARDS ON CARS

Add paragraph (a) (5) to § 74.544 (15 F. R. 8351, Dec. 2, 1950) (49 CFR 74.544, 1950 Rev.) to read as follows:

§ 74.544 *Placards not required.* (a) * * *

(5) Cars containing vehicles and shipments of electrolyte acid packaged and cushioned with absorbent material in sufficient quantity to absorb the contents of the inner containers when offered in carload lots by the Departments of the Army, Navy, and Air Force of the United States Government.

PART 77—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

SUBPART A—GENERAL INFORMATION AND REGULATIONS

Amend entire § 77.806 (15 F. R. 8362, Dec. 2, 1950) (49 CFR 77.806, 1950 Rev.) to read as follows:

§ 77.806 *United States Government shipments.* (a) Shipments of explosives or other dangerous articles offered by or consigned to the Departments of the Army, Navy, and Air Force of the United States Government, must be packed, including limitations of weight, in accordance with the regulations in Part 73 of this chapter or in containers of equal or greater strength and efficiency as required by their regulations.

(b) Shipments of radioactive materials, made by the Atomic Energy Commission, or under its direction or supervision, which are escorted by personnel specially designated by the Atomic Energy Commission, are exempt from the regulations in Parts 71–78 of this chapter.

SUBPART B—LOADING AND UNLOADING

Amend § 77.840 paragraph (c) (16 F. R. 5327, June 6, 1951) (49 CFR 77.840, 1950 Rev., 1951 Supp.) to read as follows:

§ 77.840 *Compressed gases.* * * *

(c) Tanks complying with specification 106A500 or 106A500X (§ 78.275 of this chapter), containing chlorine, anhydrous ammonia, sulfur dioxide, methyl

chloride, dichlorodifluoromethane, monochlorodifluoromethane, monochlorotetrafluoroethane, vinyl chloride, inhibited, difluoroethane, difluoromonochloroethane, dispersant gas, n. o. s., dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture), or dichlorodifluoromethane-monofluorotrichloromethane mixture, tanks complying with specification 110A500W (§ 78.293 of this chapter), containing dichlorodifluoromethane, monochlorodifluoromethane, or dichlorodifluoromethane-monofluorotrichloromethane mixture, tanks complying with specification 106A800 or 106A800X (§ 78.276 of this chapter), containing hydrogen sulfide, or tanks complying the specification 106A-800NCI (§ 78.295 of this chapter), containing nitrosyl chloride, may be transported on trucks or semi-trailers only, when securely chocked or clamped thereon to prevent shifting, and provided adequate facilities are present for handling tanks where transfer in transit is necessary. See § 74.560 (b) (1) of this chapter, for rail freight-motor vehicle shipments.

SUBPART C—LOADING AND STORAGE CHART OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Amend items e and g vertical and horizontal columns and add footnote d to chart in paragraph (a) of § 77.848 (15 F. R. 8368, 8369, Dec. 2, 1950) (49 CFR 77.848, 1950 Rev.) to read as follows:

§ 77.848 *Loading and storage chart of explosives and other dangerous articles.* (a) * * *

"e" Ammunition for cannon with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles or shell, ammunition for small arms with explosive bullets, or ammunition for small arms with explosive projectiles, or rocket ammunition with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles; and boosters (explosive), bursters (explosive), or supplementary charges (explosive) without detonators. [d] 4

* * * * *

"g" Detonating fuzes.

* * * * *

[d] Bursters (explosive), boosters (explosive), or supplementary charges (explosive) without detonators when shipped by, to or for the Departments of the Army, Navy, and Air Force of the United States Government may be loaded with any of the articles named except those in columns c, d, 3, 9, 10, 11, 12, 13, 14, and 15.

* * * * *

PART 78—SHIPPING CONTAINER SPECIFICATIONS

SUBPART F—SPECIFICATIONS FOR FIBERBOARD BOXES, DRUMS, AND MAILING TUBES

1. Amend entire § 78.205–19 (15 F. R. 8476, Dec. 2, 1950) (49 CFR 78.205–19, 1950 Rev.) to read as follows:

§ 78.205 *Specification 12B; fiberboard boxes.*

* * * * *

§ 78.205–19 *Special box; authorized only for contents in 1-gallon rectangular metal cans or cylindrical metal cans of 26 gauge material.* (a) Must comply with this specification except as follows: Must be 1-piece type, of double-wall corrugated fiberboard at least 400-pound test with all three facings at least 135-pound test; to be marked "FOR 1-GAL. CYLINDICAL OR RECTANGULAR CANS ONLY" near the I. C. C. specification mark; authorized gross weight 84 pounds.

2. Amend § 78.219–5 paragraphs (a) and (b), and § 78.219–12 paragraph (a) (17 F. R. 1564, Feb. 20, 1952) (49 CFR 78.219–5, 78.219–12, 1950 Rev.) to read as follows:

§ 78.219 *Specification 23H; fiberboard boxes.*

* * * * *

§ 78.219–5 *Tape.* (a) Pressure sensitive, paper backed. The basic weight of the paper shall be not less than 70 pounds per ream after sizing and coating. Longitudinal tensile strength shall be not less than 50 pounds per inch of width and the latitudinal strength shall be not less than 11 pounds per inch of width, or for vertical application as provided by § 78.219–12 tape must be pressure sensitive, filament reinforced. Tape backing shall have a minimum longitudinal tensile strength of 160 pounds per square inch of width and a minimum elongation of 12 percent at break. The tape shall have sufficient transverse strength to prevent ravelling or separation of the filaments. Tape shall have an adhesion of 18 ounces per inch of width minimum when tested according to acceptable methods. Tape shall adhere immediately and firmly to fiberboard surface when applied with hand pressure in the temperature range of 0° to 120° F. No solvent or heat shall be necessary to activate the adhesive.

(b) The tape authorized by paragraph (a) of this section must be manufactured of material which will not separate or delaminate when submerged in water for 72 hours and which will not show any delamination or bleeding up to 160° F. and which will not lose its strength, delaminate or become brittle at 0° F.

* * * * *

§ 78.219–12 *Closing for shipment.* (a) The upper and lower sections of the container shall be secured together by the application of one single strip of tape not less than 1 inch wide, exclusive of manufacturer's joint disposed entirely around the perimeter of the container and spaced approximately equally distant over each portion of the container at the seam of abutting covers. The ends of the tape around the perimeter of the container must overlap 1½ inches minimum. The container may alternately be closed by using tape as specified in § 78.219–5 (a) for vertical application. When closed by this method, the cover of the container shall be secured to the bottom by application of single strips of tape, not less than ½ inch wide, to the sides and in a vertical manner; two strips, one on each side for containers 18 inches in length or under; four strips, two on each side, minimum for containers over 18 inches in length. The taping shall start within 1 inch of the top-side score and extend to within 1 inch of the side-bottom score and in no case shall the strips be less than 4 inches in length.

* * * * *

SUBPART I—SPECIFICATIONS FOR TANK CARS

1. Add Note 4 to paragraph (f) of § 78.259 (15 F. R. 8486, Dec. 2, 1950) (49 CFR 78.259, 1950 Rev.) to read as follows:

§ 78.259 *Specification changes.* * * *

(f) * * *

NOTE 4: For application for approval to make repairs by fusion welding for reconditioning of manway covers for Class ICC–104A and ICC–105A series tank cars, applicant should submit data as to original construction, application numbers, and class of car, with numbers of drawings used in original construction. Application also to contain drawings and detailed explanation of how repairs are to be made. As covers are repaired, the outer edge shall be stamped with letters at least $\frac{3}{8}$ inch high, giving repair application number. Car number and initials to which reconditioned cover is applied must appear on certificate of construction.

* * * * *

2. Amend § 78.265 paragraph ICC–19 (a) (15 F. R. 8490, Dec. 2, 1950) (49 CFR 78.265, 1950 Rev.) to read as follows:

§ 78.265 *Specification for tank cars having riveted steel tanks Class ICC–103.* * * *

ICC–19. *Retests of tanks, safety valves, and interior heater systems.* (a) Tanks, safety valves, and interior heater systems must be retested, as prescribed for original tests in paragraphs ICC–17 and ICC–18, at intervals of 10 years or less after the original test. Interior surface of tank heads must be inspected when periodic retests are made. Tanks must also be retested before being returned to service after any repairs requiring extensive riveting or calking. Interior heater systems must be retested after repairs. Reports must be rendered as prescribed in paragraph ICC–21.

* * * * *

3. Amend § 78.269 paragraph ICC–19 (a) (15 F. R. 8494, Dec. 2, 1950) (49 CFR 78.269, 1950 Rev.) to read as follows:

§ 78.26 *Specification for tank cars having lagged riveted steel tanks, Class ICC–104.* * * *

ICC–19. *Retests of tanks, safety valves, and interior heater systems.* (a) Tanks, safety valves, and interior heater systems must be retested, as prescribed for original tests in paragraphs ICC–17 and ICC–18, at intervals of 10 years or less after the original test. Interior surface of tank heads must be inspected when periodic retests are made. Tanks must also be retested before being returned to service after any repairs requiring extensive riveting or calking. If the jacket and lagging are not removed, the tank must hold the prescribed pressure for at least 20 minutes. A drop in pressure shall be evidence of leakage, and such portion of the jacket and lagging must be removed as may be necessary to locate the leak and make repairs. After the repairs have been made, the tank must again be subjected to the prescribed test. Interior heater systems must be retested after repairs. Reports must be rendered as prescribed in paragraph ICC–21.

* * * * *

4. Amend § 78.270 paragraph ICC–19 (a) (15 F. R. 8495, Dec. 2, 1950) (49 CFR 78.270, 1950 Rev.) to read as follows:

§ 78.270 *Specification for tank cars having lagged riveted steel tanks, Class ICC–104A.* * * *

ICC–19. *Retests of tanks and safety valves.* (a) Tanks must be retested, as prescribed for original tests in paragraph ICC–17, at intervals of 10 years or less after the original test. Interior surface of tank heads must be inspected when periodic retests are made. Tanks must also be retested before being returned to service after any repairs requiring extensive riveting or calking. If the jacket and lagging are not removed, the tank must hold the prescribed pressure for at least 20 minutes. A drop in pressure shall be evidence of leakage, and such portion of the jacket and lagging must be removed as may be necessary to locate the leak and make repairs. After the repairs have been made, the tank must again be subjected to the prescribed test. Safety valves must be retested, as prescribed for original test in paragraph ICC–18, at intervals of 5 years or less after the original test. Reports must be rendered as prescribed in paragraph ICC–21.

* * * * *

5. Amend § 78.271 paragraphs ICC–15 (a) and (b) (15 F. R. 8496, Dec. 2, 1950) (49 CFR 78.271, 1950 Rev.) to read as follows:

§ 78.271 *Specification for tank cars having lagged forged lapwelded steel tanks, Class ICC–105A300.* * * *

ICC–15. *Retests of tanks, anchor rivet covers, and safety valves.* (a) Tanks must be retested to a pressure of 300 pounds per square inch, as prescribed in paragraph ICC–13 (a), except that the anchor rivet covers must not be removed and that the tank lagging and jacket need not be removed unless the pressure on the tank drops during the test period, indicating leakage; anchor rivet covers must be retested to a pressure of 100 pounds per square inch, as prescribed in paragraph ICC–13 (b); interior surface of tank heads must be inspected when periodic retests are made; and safety valves must be retested to a pressure as prescribed in paragraphs ICC–10 (b) and ICC–14.

ICC–15. (b) Retests of tanks must be made, except as prescribed in paragraph ICC–15 (c), at intervals of 10 years or less. Tanks must also be retested before being returned to service after any repairs requiring welding. Retests of safety valves must be made, except as prescribed in paragraph ICC–15 (c), at intervals of 5 years or less.

6. Amend § 78.272 paragraph ICC–15 (a) (15 F. R. 8498, Dec. 2, 1950) (49 CFR 78.272, 1950 Rev.) to read as follows:

§ 78.272 *Specification for tank cars having lagged forged lapwelded steel tanks, Class ICC–105A400.* * * *

ICC–15. *Retests of tanks, anchor rivet covers, and safety valves.* (a) Tanks must be retested to a pressure of 400 pounds per square inch, as prescribed in paragraph ICC–13 (a), except that the anchor rivet covers must not be removed and that the tank lagging and jacket need not be removed unless the pressure in the tank drops during the test period, indicating leakage; anchor rivet covers must be retested to a pressure of 100 pounds per square inch, as prescribed in paragraph ICC–13 (b); interior surface of tank heads must be inspected when periodic retests are made; and safety valves must be retested to a pressure as prescribed in paragraphs ICC–10 (b) and ICC–14.

* * * * *

7. Amend § 78.273 paragraph ICC–15 (a) (15 F. R. 8498, Dec. 2, 1950) (49 CFR 78.273, 1950 Rev.) to read as follows:

§ 78.273 *Specification for tank cars having lagged forged lapwelded steel tanks, Class ICC–105A500.* * * *

ICC–15. *Retests of tanks, anchor rivet covers, and safety valves.* (a) Tanks must be retested to a pressure of 500 pounds per square inch, as prescribed in paragraph ICC–13 (a), except that the anchor rivet covers must not be removed and that the tank lagging and jacket need not be removed unless the pressure in the tank drops during the test period, indicating leakage; anchor rivet covers must be retested to a pressure of 100 pounds per square inch, as prescribed in paragraph ICC–13 (b); interior surface of tank heads must be inspected when periodic retests are made; and safety valves must be retested to a pressure as prescribed in paragraphs ICC–10 (b) and ICC–14.

* * * * *

8. Amend § 78.274 paragraph ICC–15 (a) (15 F. R. 8498, Dec. 2, 1950) (49 CFR 78.274, 1950 Rev.) to read as follows:

§ 78.274 *Specification for tank cars having lagged forged lapwelded steel tanks, Class ICC–105A600.* * * *

ICC–15. *Retests of tanks, anchor rivet covers, and safety valves.* (a) Tanks must be retested to a pressure of 600 pounds per square inch, as prescribed in paragraph ICC–13 (a), except that the anchor rivet covers must not be removed and that the tank lagging and jacket need not be removed unless the pressure in the tank drops during the test period, indicating leakage; anchor rivet covers must be retested to a pressure of 100 pounds per square inch, as prescribed in paragraph ICC–13 (b); interior surface of tank heads must be inspected when periodic retests are made; and safety valves must be retested to a pressure as prescribed in paragraph ICC–10 (b) and ICC–14.

* * * * *

9. Amend § 78.280 paragraph ICC–19 (a) (15 F. R. 8509, Dec. 2, 1950) (49 CFR 78.280, 1950 Rev.) to read as follows:

§ 78.280 *Specification for tank cars having fusion-welded steel tanks, Class ICC–103–W.* * * *

ICC–19. *Retests of tanks, safety valves, and interior heater systems.* (a) Tanks, safety valves, and interior heater systems must be retested, as prescribed for original tests in paragraphs ICC–17 and ICC–18, at intervals of 10 years or less after the original test. Interior surface of tank heads must be inspected when periodic retests are made. Tanks must also be retested before being returned to service after any repairs requiring welding, riveting or calking of rivets. Interior heater systems must be retested after repairs. Reports must be rendered as prescribed in paragraph ICC–21.

* * * * *

10. Add paragraph ICC–6 (a) to § 78.282 (15 F. R. 8511, Dec. 2, 1950) (49 CFR 78.282, 1950 Rev.) to read as follows:

§ 78.282 *Specification for tank cars having rubber-lined fusion-welded steel tanks, Class ICC–103B–W.* * * *

ICC–6. *Welding.* (a) All joints must be fusion-welded by a process which investigation and laboratory tests by the Mechanical Division of the Association of American Railroads have proved will produce satisfactory results. Riveted patches whose efficiency is 70 percent or greater and which will provide a minimum bursting pressure of 300 pounds per square inch, may be applied provided the design is first submitted to the Committee on Tank Cars of the Association of American Railroads for their approval.

* * * * *

11. Amend 78.284 paragraph ICC–19 (a) (15 F. R. 8514, Dec. 2, 1950) (49 CFR 78.284, 1950 Rev.) to read as follows:

§ 78.284 *Specification for tank cars having lagged fusion-welded steel tanks, Class ICC–104–W.* * * *

ICC–19. *Retests of tanks, safety valves, and interior heater systems.* (a) Tanks, safety valves, and interior heater systems must be retested, as prescribed for original tests in paragraphs ICC–17 and ICC–18, at intervals of 10 years or less after the original tests. Interior surface of tank heads must be inspected when periodic retests are made. Tanks must also be retested before being returned to service after any repairs requiring welding, riveting or calking of rivets. If the jacket and lagging are not removed, the tank must hold the prescribed pressure for at least 20 minutes. A drop in pressure shall be evidence of leakage, and such portion of the jacket and lagging must be removed as may be necessary to locate the leak and make repairs. After the repairs have been made, the tank must again be subjected to the prescribed test. Interior heater systems must be retested after repairs. Reports must be rendered as prescribed in paragraph ICC–21.

* * * * *

12. Amend § 78.285 paragraph ICC–19 (a) (15 F. R. 8515, Dec. 2, 1950) (49 CFR 78.285, 1950 Rev.) to read as follows:

§ 78.285 *Specification for tank cars having lagged fusion-welded steel tanks, Class ICC–104A–W.* * * *

ICC–19. *Retests of tanks and safety valves.* (a) Tanks must be retested at intervals of 10 years or less to a pressure as prescribed in paragraph ICC–17 (a), except that the tank lagging and jacket need not be removed unless the pressure in the tank drops during the test period, indicating leakage; interior surface of tank heads must be inspected when periodic retests are made; and safety valves must be retested at intervals of 5 years or less to a pressure as prescribed in paragraphs ICC–14 (c) and ICC–18. Tanks must be retested before being returned to service after any repairs requiring welding, riveting or calking of rivets. Reports must be rendered as prescribed in paragraph ICC–21.

* * * * *

13. Amend § 78.286 paragraphs ICC–10 (b) and ICC–19 (a) (15 F. R. 8515, 8516, Dec. 2, 1950) (49 CFR 78.286, 1950 Rev.) to read as follows:

§ 78.286 *Specification for tank cars having lagged fusion-welded steel tanks, Class ICC–105A300–W.* * * *

ICC–10. * * *

ICC–10. (b) Manhole cover must be of forged or rolled steel at least 2¼ inches thick (or nickel at least 2 inches thick when required by the lading), machined to approved dimensions. Manhole cover must be attached to manhole nozzle by through or stud bolts not entering tank.

* * * * *

ICC–19. *Retests of tanks, anchor rivet housings, and safety valves.* (a) Tanks must be retested at intervals of 10 years or less to a pressure as prescribed in paragraph ICC–17 (a), except that the anchor rivet housings must not be removed and that the tank lagging and jacket need not be removed unless the pressure in the tank drops during the test period, indicating leakage; anchor rivet housings must be retested to a pressure as prescribed in paragraph ICC–17 (d); interior surface of tank heads must be inspected when periodic retests are made; and safety valves must be retested at intervals of 5

years or less to a pressure as prescribed in paragraphs ICC–14 (c) and ICC–18. Tanks must be retested before being returned to service after any repairs requiring welding. Reports must be rendered as prescribed in paragraph ICC–21.

* * * * *

14. Amend § 78.287 paragraph ICC–19 (a) (15 F. R. 8517, Dec. 2, 1950) (49 CFR 78.287, 1950 Rev.) to read as follows:

§ 78.287 *Specification for tank cars having lagged fusion-welded steel tanks, Class ICC–105A400–W.* * * *

ICC–19. *Retests of tanks, anchor rivet housings, and safety valves.* (a) Tanks must be retested at intervals of 10 years or less to a pressure as prescribed in paragraph ICC–17 (a), except that the anchor rivet housings must not be removed and that the tank lagging and jacket need not be removed unless the pressure in the tank drops during the test period, indicating leakage; anchor rivet housings must be retested to a pressure as prescribed in paragraph ICC–17 (d); interior surface of tank heads must be inspected when periodic retests are made; and safety valves must be retested at intervals of 5 years or less to a pressure as prescribed in paragraphs ICC–14 (c) and ICC–18. Tanks must be retested before being returned to service after any repairs requiring welding. Reports must be rendered as prescribed in paragraph ICC–21.

* * * * *

15. Amend § 78.288 paragraph ICC–19 (a) (15 F. R. 8519, Dec. 2, 1950) (49 CFR 78.288, 1950 Rev.) to read as follows:

§ 78.288 *Specification for tank cars having lagged fusion-welded steel tanks, Class ICC–105A500–W.* * * *

ICC–19. *Retests of tanks, anchor rivet housings, and safety valves.* (a) Tanks must be retested at intervals of 10 years or less to a pressure as prescribed in paragraph ICC–17 (a), except that the anchor rivet housings must not be removed and that the tank lagging and jacket need not be removed unless the pressure in the tank drops during the test period, indicating leakage; anchor rivet housings must be retested to a pressure as prescribed in paragraph ICC–17 (d); interior surface of tank heads must be inspected when periodic retests are made; and safety valves must be retested at intervals of 5 years or less to a pressure as prescribed in paragraphs ICC–14 (c) and ICC–18. Tanks must be retested before being returned to service after any repairs requiring welding. Reports must be rendered as prescribed in paragraph ICC–21.

* * * * *

16. Amend § 78.289 paragraph ICC–19 (a) (15 F. R. 8520, Dec. 2, 1950) (49 CFR 78.289, 1950 Rev.) to read as follows:

§ 78.289 *Specification for tank cars having lagged fusion-welded steel tanks, Class ICC–105A600–W.* * * *

ICC–19. *Retests of tanks, anchor rivet housings, and safety valves.* (a) Tanks must be retested at intervals of 10 years or less to a pressure as prescribed in paragraph ICC–17 (a), except that the anchor rivet housings must not be removed and that the tank lagging and jacket need not be removed unless the pressure in the tank drops during the test period, indicating leakage; anchor rivet housings must be retested to a pressure as prescribed in paragraph ICC–17 (d); interior surface of tank heads must be inspected when periodic retests are made; and safety valves must be retested at intervals of 5 years or less to a pressure as prescribed in paragraphs ICC–14 (c) and ICC–18. Tanks must be retested before being returned to service after any repairs requiring welding. Reports must be rendered as prescribed in paragraph ICC–21.

* * * * *

17. Amend § 78.291 paragraph ICC–19 (a) (16 F. R. 5336, June 6, 1951) (49 CFR 78.291, 1950 Rev., 1951 Supp.) to read as follows:

§ 78.291 *Specification for tank cars having fusion-welded aluminum tanks, Class ICC–103–AL–W.* * * *

ICC–19. *Retests of tanks, safety valves, and interior heater systems.* (a) Tanks, safety valves, and interior heater systems must be retested, as prescribed for original tests in paragraphs ICC–17 and ICC–18, at intervals of 10 years or less after the original test. Interior surface of tank heads must be inspected when periodic retests are made. Tanks must also be retested before being returned to service after any repairs requiring welding, riveting or calking of rivets. Interior heater systems must be retested after repairs. Reports must be rendered as prescribed in paragraph ICC–21.

* * * * *

18. Amend § 78.294 paragraph ICC–19 (a) (17 F. R. 7288, Aug. 9, 1952) (49 CFR 78.294, 1950 Rev.) to read as follows:

§ 78.294 *Specification for tank cars having fusion-welded aluminum tanks, Class ICC–104A–AL–W.* * * *

ICC–19. *Retests of tanks and safety valves.* (a) Tanks must be retested at intervals of 10 years or less to a pressure as prescribed in paragraph ICC–17 (a), except that the tank lagging and jacket need not be removed unless the pressure in the tank drops during the test period, indicating leakage; interior surface of tank heads must be inspected when periodic retests are made; and safety valves must be retested at intervals of 5 years or less to a pressure as prescribed in paragraphs ICC–14 (c) and ICC–18. Tanks must be retested before being returned to service after any repairs requiring welding. Reports must be rendered as prescribed in paragraph ICC–21.

* * * * *

19. Add § 78.295 (15 F. R. 8523, Dec. 2, 1950) (49 CFR 78.295, 1950 Rev.) to read as follows:

§ 78.295 *Specifications for tank cars having fusion-welded nickel-chromium-iron alloy tanks Class ICC–106A800NCI.* This specification covers Class ICC–106A-800NCI tank cars having fusion-welded nickel-chromium-iron alloy tanks to which have been added A. A. R. details which are not inconsistent therewith. Wherever the word "approved" is used in this specification it means approval by the Association of American Railroads Committee on Tank Cars as prescribed in § 78.259 (b), (c), (d), and (e)—Procedure.

(a) *General requirements.* Tanks built under this specification must comply with all provisions of Specification ICC–106A500, except as modified in the following paragraphs (paragraph numbers refer to like numbers in § 78.275 Specification ICC–106A500).

ICC–1: *Type and general requirements.* (a) Tanks built under this specification must be cylindrical, with heads dished convex inward. The end forgings of the shell shall be flanged-in in such a manner that the heads are locked in independent of the strength of the fillet welds, as well as providing a chime to which handling hooks can be attached. These end forgings shall be seamless; and the thickness of the cylindrical portion into which the head is driven and the thickness of the flat flanged-in ends shall be at least equal to the head thickness, whereas the cylindrical portion next to the circumferential welds joining the end forgings to the shell shall be thinned down to the shell plate thickness. All openings must be located in the heads. Tanks must be securely attached to car structure in such a manner that they can be removed for filling by the consignor and emptying by the consignee. Each tank must have a capacity of at least 1,500 pounds of water and not more than 2,500 pounds of water.

ICC–2. *Material.* (a) All plates and forgings for tank and heads shall be annealed, uniform nickel-chromium-iron alloy of good welding quality, free from cracks, laminations, or other defects injurious to the finished tank, and shall have the following chemical composition and tensile properties:

Nickel (plus cobalt)	75.00 percent minimum.
Chromium	12.00 to 15.00 percent.
Iron	9.00 percent maximum.
Copper	0.50 percent maximum.
Manganese	1.00 percent maximum.
Carbon	0.15 percent maximum.
Silicon	0.50 percent maximum.
Sulfur	0.02 percent maximum.

Tensile strength 80,000 to 110,000 pounds per square inch. Yield point (0.2 percent offset) 30,000 to 60,000 pounds per square inch. Elongation in 2 in. 35 percent minimum.

A test specimen must be capable of being bent cold through 180° flat on itself without cracking on the outside of the bent portion. The tensile and bend specimens must be taken from the finished rolled or forged material after annealing, and there must be at least one tensile and one bend test on specimen from each heat.

ICC–2. (b) All plates and forgings must have their heat number and name or brand of manufacturer legibly stamped on them at the mill.

ICC–3. *Thickness of plates.* (a) The wall thickness of tanks must be at least $\frac{15}{32}$ inch and must be such that at the test pressure the calculated fiber stress in the wall of the tank or in the longitudinal weld seam will not be in excess of 25,000 pounds per square inch, as calculated by the following formula:

$$S = \frac{P\ (1.3D^2 + 0.4d^2)}{D^2 - d^2}$$

Where P is interior test pressure in pounds per square inch; D, outside diameter in inches; d, inside diameter in inches; and S, wall stress in pounds per square inch.

ICC–3. (b) Tank heads shall have a thickness equal to at least twice the shell thickness and must also be of sufficient thickness to provide for the threading of openings therein as prescribed in paragraph ICC–4 (b).

ICC–4. *Tank heads.* (a) The heads must be hot pressed, flanging and dishing being done in one heat, so as to make a flange at least 3 inches deep, a mean crown radius not greater than the inside diameter of the head and a mean knuckle radius equal to at least 3½ times the head thickness. They must be inserted into the tank shell and forgings with flange extending outward and have a snug driving fit into the shell.

ICC–5. *Welding and heat-treatment.* (a) All joints and seams shall be welded by qualified welders using approved methods of welding and approved filler rod having the same composition as the tank plate. Deposited metal must be fused smoothly and uniformly into plate surface at the top of the joint. All welds shall be free from voids or slag inclusions. Main longitudinal joint shall be double-welded butt joint made with a procedure insuring proper fusion and penetration. Heads shall be fillet welded to the end forgings with welds having a throat at least 25 percent greater than the head thickness. The circumferential welds joining the

end forgings and shell shall be of the butt type with nickel-chromium-iron alloy backing strips to insure complete fusion. Welded joints shall be tested by specimens and radiographs in accordance with paragraphs AAR–6 (d–1) to (k–5) of § 78.280 Specification ICC–103W.

ICC–5. (b) Each finished tank, before being subjected to the hydrostatic test, must be uniformly and properly heat-treated by heating to a temperature of 1,400° F. for 1½ hours in a non-oxidizing furnace atmosphere so as to remove any undue strains due to processes of manufacture.

ICC–8. *Venting, and loading and discharging valves.* (a) These valves must be of approved type, made of metal not subject to rapid deterioration by lading, and must withstand a pressure of 800 pounds per square inch without leakage. The valves must be screwed directly into tank heads or attached to tank heads by other approved methods. Provision must be made for closing the pipe connections of the valves.

ICC–11. (b) Each tank must be tested to 800 pounds per square inch.

ICC–14. (b) ICC–106A800NCI.

20. Add § 78.296 (15 F. R. 8523, Dec. 2, 1950) (49 CFR 78.296, 1950 Rev.) to read as follows:

§ 78.296 *Specification for tank cars having rubber-lined fusion-welded steel tanks, Class ICC–103B100–W.* This specification covers Class ICC–103B100–W tank cars having rubber-lined fusion-welded steel tanks to which have been added A. A. R. details which are not inconsistent therewith. Wherever the word "approved" is used in this specification it means approved by the Association of American Railroads Committee on Tank Cars as prescribed in § 78.259 (b), (c), (d), and (e)—Procedure.

(a) *General requirements.* Tanks built under this specification must comply with all provisions of Specification ICC–103–W, except as modified in the following paragraphs (paragraph numbers refer to like number in § 78.280 Specification ICC–103–W):

ICC–1. *Type.* (a) Tanks built under this specification must be cylindrical with heads dished convex outward. The tank must be provided with an expansion dome, manhole nozzle and cover on top of tank of sufficient diameter to permit access to interior of tank and provide for proper mounting of venting, loading, unloading, gauging and air valves, and a protective housing and cover surrounding these devices. Other openings in tank prohibited.

ICC–2. *Bursting pressure.* (a) The calculated bursting pressure, based on the lowest tensile strength of the plate and the efficiency of the longitudinal welded joint must be at least 495 pounds per square inch.

ICC–3. *Material.* (a) All plates for tank and expansion dome must be made of open-hearth boiler-plate steel of flange quality, the carbon content of which shall not exceed 0.30 per cent. The lining must be acid-resisting rubber, vulcanized or bonded directly or otherwise attached to the metal tank, to provide a non-porous laminated lining. No rubber shall be under tension when applied except that due to conformation over rivet heads. Interior of tank must be free from scale, oxidation, moisture, and all foreign matter during the lining operation.

ICC–3. (d) This paragraph does not apply.

AAR–3. *Lining.* (b) See paragraphs ICC–3 (a) and ICC–4 (b).

AAR–3. (d) Rubber-lined tanks must be stenciled as prescribed in paragraph ICC–20 (e).

ICC–4. *Thickness and width of plates.* (a) The minimum thickness of plates must be as follows:

Inside diameter of tanks	Bottom sheet	Shell sheet	Tank head	Dome shell	Dome head
	Inch	*Inch*	*Inch*	*Inch*	*Inch*
87 inches or under	½	½	½	⅜	⅜
Over 87 to 96 inches	9/16	9/16	9/16	⅜	⅜

ICC–4. (b) The rubber lining must be at least 5/32 inch thick except that over all rivets and seams formed by riveting attachments the lining must be double thickness. The lining must overlap at least 1½ inches at all edges, which must be straight and be beveled to an angle of approximately 45 degrees. Directly under the dome, vulcanized to the lining on bottom of tank, must be applied a rubber reinforcement pad at least 4½ feet square and at least ½ inch thick, with edges of pad beveled to an angle of approximately 45 degrees. An opening in this pad for sump is permitted.

ICC–4. (d) This paragraph does not apply.

AAR–4. (b) This paragraph does not apply.

AAR–4. (c) Car must have underframe.

AAR–4. (d) This paragraph does not apply.

AAR–5. (a) The tank head shape shall be an ellipsoid of revolution in which the major axis shall equal the diameter of the shell and the minor axis shall be one-half of this.

ICC–6. (b) Manhole nozzle, sump, or other attachments must be attached to tank by fusion welding. Fusion welding for securing these attachments in place must be of the double-welded butt joint type or double full-fillet lap joint type. All projecting edges of plates and castings on inside of tank must be rounded and free from fins or other irregular projections. Castings must be free from porosity.

ICC–9. *Expansion dome.* (a) The expansion dome must have a capacity, measured from the inside top of the tank shell to top of manhole flange, of at least one percent of the capacity of tank and dome combined.

ICC–9. (b) The opening in manhole ring, before lining, must be at least 18 inches in diameter, and the opening in the tank shell at the dome shall be fully cut out or flued to the inside diameter of the dome, which shall not exceed 42 inches. The tank shell at the dome must be adequately reinforced.

ICC–9. (c) The dome head if of pressed steel must be dished convex outward. The entire dome with attachments, or dome head and manhole ring with attachments, made of cast steel or other malleable metal may be used in place of dished steel plate dome head.

AAR–9. (a) The entire dome must be of pressed, forged, or cast steel; if of forged or cast steel, integral attachments permissible. The dome head if separate must be of pressed, forged, or cast steel; if of forged or cast steel, integral attachments permissible.

AAR–9. (b) Dome head must be of approved contour. If dished, the knuckle radius shall be at least 6 percent of the spherical dish radius, and the thickness shall be not less than that calculated by the formula in paragraph AAR–2 (a) where "d" is twice the inside spherical radius, which radius shall not be in excess of the diameter of the dome. Dome heads may be flued for attachment of the manhole nozzle, in which case added reinforcement of the opening is not required.

AAR–9. (c) See Figure 14 for tank shell reinforcement at dome opening.

ICC–10. *Manhole nozzle, cover and protective housing.* (a) Manhole nozzle must be of cast, forged, or pressed steel at least 18 inches inside diameter having approved wall thicknesses and dimensions.

ICC–10. (b) Manhole cover must be of suitable metal of approved thickness, and must be attached to manhole nozzle by through bolts not entering tank. The top, bottom where exposed to lading, and edge of manhole cover must be covered with rubber as prescribed in paragraphs ICC–3 (a) and ICC–4 (b). Through bolt holes may be lined with rubber at least ⅛ inch in thickness. Cover made of metal not affected by lading need not be rubber covered. All rubber surfaces on outside of tank or fittings must be painted with an age-resisting paint to protect rubber from light rays. Manhole rings, welded to manhole nozzle, must be made of cast, forged, or fabricated metal and be of good weldable quality in conjunction with metal of nozzle.

ICC–10. (c) The shearing valve of the bolts attaching the protective housing to manhole cover must not exceed 70 percent of shearing valve of bolts attaching manhole cover to manhole nozzle.

ICC–10. (d) All joints between manhole cover and manhole nozzle, and between manhole cover and valves or other appurtenances mounted thereon, must be made tight against vapor pressure.

ICC–10. (e) Protective housing of cast or pressed steel must be bolted to manhole cover. Housing must be equipped with a steel cover that can be securely closed. Housing cover must have a suitable stop to prevent cover striking loading or unloading connections and be hinged on one side only with approved closure.

AAR–10. (a) Bolted type of manhole cover must be used.

ICC–11. *Venting, loading and unloading, gauging, and air inlet devices.* (a) These devices when installed must withstand a pressure of 100 pounds per square inch without leakage. They must be bolted to fittings or seatings on the manhole cover. Connections to valves must be closed with blind flanges bolted tightly over valve outlets, chained or otherwise fastened to prevent misplacement. Discharging (siphon) pipe must be securely anchored.

ICC–12. *Venting, loading and unloading, gauging, and air inlet devices.* (a) When installed, these devices must be of metal and have all surfaces in contact with the lading covered with rubber as prescribed in paragraphs ICC–3 (a) and ICC–4 (b) except that lining must be at least ⅛ inch thick. These devices when made of metal not affected by the lading need not have such surfaces rubber covered.

ICC–13. *Bottom discharge outlets.* (a) Bottom discharge outlet prohibited. Bottom sump of cast, pressed, or forged metal is permissible. If used and welded to tank, it must be of cast, pressed, or forged metal and be of good weldable quality in conjunction with metal of tank.

ICC–13. (b) This paragraph does not apply.

ICC–13. (c) This paragraph does not apply.

AAR–13. (a) This paragraph does not apply.

AAR–13. (b) This paragraph does not apply.

AAR—13. (c) This paragraph does not apply.

AAR–13. (d) This paragraph does not apply.

AAR–13. (e) This paragraph does not apply.

AAR–13. (f) This paragraph does not apply.

AAR–13. (g) This paragraph does not apply.

ICC–14. *Safety valves.* (a) The tank must be equipped with one or more safety valves of approved type, made of metal not subject to rapid deterioration by lading and mounted on manhole cover. The total valve discharge capacity must be sufficient to prevent building up of pressure in tank in excess of 75 pounds per square inch.

ICC–14. (b) This paragraph does not apply.

ICC–14. (c) The safety valves must be set to open at a pressure of not exceeding 75 pounds per square inch. (For tolerance see par. ICC–18.)

ICC–14. (d) Tanks used for the transportation of corrosive liquids need not be equipped with safety valves, but may be equipped with one safety vent, lined with rubber of at least ⅛ inch thick, having an inside diameter of at least 1¾ inches after lining, closed with a frangible disc of material not affected by the lading and of a suitable thickness that will rupture at a pressure of 75 pounds per square inch plus or minus 5 percent. Means for holding disc in place must be such as to prevent distortion or damage to disc when applied. Safety vent closure must be chained or otherwise fastened to prevent misplacement.

AAR–14. (a) Safety valve must be of approved design. See Appendix "A" for formula for calculating discharge capacity of valve and method of testing sample valve of a particular design to determine its actual discharge capacity, which must at least equal the capacity calculated as necessary to prevent building up pressure in the tank in excess of 75 pounds per square inch.

AAR–14. (b) Safety vent flanges, if welded to cover plate, must be of cast, forged, or pressed metal and be of good weldable quality in conjunction with metal of cover plate.

ICC–15. *Fixtures, reinforcements, and attachments not otherwise specified.* (a) Attachments, other than the anchorage, sump, and those mounted on manhole nozzle and cover, are prohibited.

ICC–15. (b) This paragraph does not apply.

ICC–16. *Plugs for openings.* (a) Plugs prohibited. Closures must be effected with blind flanges bolted over openings. Flanges must have all surfaces exposed to the lading covered with rubber or be made of metal not affected by lading.

ICC–17. *Tests of tanks.* (a) Each tank must be tested, before rubber lining is applied, by completely filling tank and dome with water, or other liquid having similar viscosity, of a temperature which must not exceed 100° F. during the test, and applying a pressure of 100 pounds per square inch. Tank must hold the prescribed pressure for at least 10 minutes without leakage or evidence of distress. All rivets and closures, except safety valves or vents, must be in place while test is made. After tank is rubber-lined, no further tests are required.

ICC–17. (c) This paragraph does not apply.

AAR–17. *Hammer test.* (a) The tank shall be subjected to a hydrostatic pressure of 100 pounds per square inch and while subject to this pressure shall be given a thorough hammer or impact test. This impact test shall consist of striking the plate at 6-inch intervals on both sides of the welded joint and for the full length of all welded joints. The weight of the hammer in pounds shall approximately equal thickness of the shell in tenths of an inch, but not to exceed 10 pounds. The plates shall be struck with a sharp swinging blow. The edges of the hammer shall be rounded so as to prevent defacing the plate. Following the impact test this pressure must be held for at least 10 minutes.

AAR–17. (b) This paragraph does not apply.

AAR–17. (c) See paragraph ICC–17 (a).

ICC–18. *Tests of safety valves.* (a) Each valve must be tested by air or gas before being put into service. The valve must open at a pressure not exceeding 75 pounds per square inch and be vapor tight at 65 pounds per square inch, which limiting pressures must not be affected by any auxiliary closure or other combination.

AAR–18. (a) This paragraph does not apply.

ICC–19. *Retests of tanks and safety valves.* (a) Periodic retests of tanks are not required. Tanks must be retested before rubber lining is renewed. Tanks must also be retested before being returned to service after any repairs requiring welding, riveting, or calking of rivets. Reports must be rendered as prescribed in paragraph ICC–21.

ICC–19. (b) Safety valves must be retested, as prescribed for original tests in paragraph ICC–18, at intervals of 5 years or less. Reports must be rendered as prescribed in paragraph ICC–21.

AAR–19. (a) This paragraph does not apply.

ICC–20. (b) ICC–103B100–W in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. This mark must also be stenciled on the tank or jacket, if lagged, in letters and figures at least 2 inches high by the party assembling the completed car.

ICC–20. (e) "Rubber-lined tank—pressure test not required," stenciled on tank, or jacket if lagged, instead of record of test of tank.

ICC–20. (g) This paragraph does not apply.

ICC–20. (h) This paragraph does not apply.

APPENDIX

Section, Paragraph, and Reason for Amendment

72.5, Commodity List	To provide for the transportation of bursters (explosive), supplementary charges (explosive), charged oil well jet perforating guns via private motor carriers, dichlorodifluoromethane-monofluorotrichloromethane mixture, monochloropentafluoroethane, nickel catalyst; and to correct omissions or typographical errors in printing.
73.29, (a) and (d)	To provide for adequate closure of "empty" containers.
73.31, (g) Note 1 and Note 2	To waive periodic retest requirements of metal tanks, safety valves, and heater systems of tank cars, except those in chlorine service, because of the present emergency and until Dec. 31, 1953.
73.31, (h)	To allow transfer of tank cars from one commodity service to another when authorized for transportation of such commodity by the regulations without obtaining prior approval of the Tank Car Committee of the Association of American Railroads.
73.53, (s)	To provide for the transportation of military devices not heretofore included in the regulations.
73.53, (u)	To provide for the transportation of oil well jet perforating guns not heretofore included in the regulations.
73.58, (b)	To clarify marking on packages of ammunition for small arms with explosive bullets or projectiles.
73.60, (e)	To clarify marking on packages of black powder and low explosives.
73.63, (c) (2)	To provide an additional type of interior packing for high explosives (dynamite).
73.69, entire section	To provide a safer method of transportation and packing of detonating fuzes, detonating fuze parts containing an explosive, boosters, bursters or supplementary charges.
73.80, entire section	To provide for the packing and transportation of oil well jet perforating guns via private motor carriers.
73.93, (f) (2)	To clarify labeling of packages of propellant explosives.
73.100, (g)	To correct a typographical error in the regulations.
73.100, (h)	To provide for the transportation of igniters which are enclosed in bakelite plastic tubes or containers.
73.110, entire section	To provide for the transportation of oil well jet perforating guns, total explosive content in guns not exceeding 15 pounds per motor vehicle, as class C explosive.
73.140, (a) (1)	To provide an additional inside container for the transportation of zirconium metallic solutions or mixtures thereof.
73.153, (c) (62)	To exclude nickel catalyst from exemptions for flammable solids.
73.157, (a) (2)	To provide an additional container for the transportation of benzoyl peroxide, wet.
73.158, (a) (4)	To provide for the use of fiberboard boxes for the transportation of benzoyl peroxide, dry, lauroyl peroxide, dry, chlorobenzoyl peroxide, dry, or succinic acid peroxide, dry.
73.162, (g) (1)	To provide for the transportation of ground, crushed or granulated charcoal made by the "Stafford" process.
73.215, (a) (2)	To provide for the transportation of zirconium, metallic, dry, in fiberboard boxes.
73.229, (a) and (c)	To provide for the transportation of chlorate and borate mixtures, and chlorate and magnesium chloride mixtures.
73.233, entire section	To provide packing requirements for the transportation of nickel catalyst.
73.245, (a) (4)	To provide an additional container for the transportation of acids or other corrosive liquids not specifically provided for.
73.263, (a) (9) and (a) (12)	To provide for the shipment of higher strength hydrochloric acid in specially designed tank cars.
73.264, (b) (1)	To provide for the transportation of hydrofluoric acid, anhydrous in ICC–4BA cylinders.
73.308, (a) Table	To provide for the transportation of monochloropentafluoroethane and hydrogen chloride in cylinders; and provide for an additional cylinder for the transportation of chlorine.
73.314, (a) Table	To provide for shipments of dichlorodifluoromethane-monofluorotrichloromethane mixture in tank cars; authorize transportation of nitrosyl chloride in new type tank cars.
73.314, Note 12	To provide for the transportation of dichlorodifluoromethane-monofluorotrichloromethane mixtures in ton containers and to provide for the shipment of nitrosyl chloride in new type containers via motor vehicles.

APPENDIX—Continued

Section, Paragraph, and Reason for Amendment—Continued

73.314, Note 17	To provide for the use of a safety device on containers used for the transportation of nitrosyl chloride.
73.315, (a) (1) Table	To provide for the transportation of dichlorodifluoromethane-monofluorotrichloromethane in cargo tanks.
73.315, (h) Table	To prohibit the use of gauging devices on cargo tanks and portable tanks transporting dichlorodifluoromethane-monofluorotrichloromethane mixture.
73.315, (i) (2) Table	To provide a start-to-discharge pressure of safety relief valve on tanks used for the transportation of dichlorodifluoromethane-monofluorotrichloromethane mixture.
73.332, (a) (4)	To provide for the transportation of hydrocyanic acid in tank cars.
73.333, (a) (2)	To provide for the transportation of phosgene in tank cars.
73.346, (a) (1)	To provide an additional container for the transportation of poisonous liquids not specifically provided for.
73.359, (a) (8)	To provide an additional container for the transportation of hexaethyl tetraphosphate mixtures, parathion mixtures and other similar compositions.
74.538, (a) Chart items "e" and "g".	To provide for the proper loading in cars of boosters (explosive), bursters (explosive) and supplementary charges.
74.538, footnote d	To authorize boosters, bursters or supplementary charges to be loaded in cars together with detonating fuzes.
74.544, (a) (5)	To exempt cars containing vehicles and shipments of electrolyte acid from placarding requirements when offered for transportation by departments of the army, navy or air force.
77.806, entire section	Clarification.
77.840, (c)	To provide for the transportation of dichlorodifluoromethane-monofluorotrichloromethane mixtures in ton containers and to provide for the shipment of nitrosyl chloride in new type containers via motor vehicles.
77.848, (a) Chart items "e" and "g".	To provide for the proper loading in motor vehicles of boosters (explosive), bursters (explosive), and supplementary charges (explosive).
77.848, footnote d	To authorize boosters, bursters or supplementary charges to be loaded in motor vehicles together with detonating fuzes.
78.205-19, (a)	To provide for the manufacture of an additional type of inside container for use with ICC-12B outside fiberboard boxes.
78.219-5, (a) and (b)	To provide for the use of alternate tape in the manufacture of ICC-23H fiberboard boxes.
78.219-12, (a)	Do.
78.259, (f) Note 4	To provide for making fusion-welded repairs to manway covers on certain types of tank cars.
78.265, ICC-19 (a)	To provide for the inspection of interior surface of tank heads during retests on tank cars.
79.269, ICC-19 (a)	Do.
78.270, ICC-19 (a)	To provide for the inspection of interior surface of tank heads during retests on tank cars and to extend retest period of tanks from 5 to 10 years.
78.271, ICC-15 (a) and (b)	Do.
78.272, ICC-15 (a)	To provide for the inspection of interior surface of tank heads during retests on tank cars.
78.273, ICC-15 (a)	Do.
78.274, ICC-15 (a)	Do.
78.280, ICC-19 (a)	Do.
78.282, ICC-6 (a)	To provide for the use of riveted patches on fusion-welded tank cars.
78.284, ICC-19 (a)	To provide for the inspection of interior surface of tank heads during retests on tank cars.
78.285, ICC-19 (a)	To provide for the inspection of interior surface of tank heads during retests on tank cars and to extend retest period of tanks from 5 to 10 years.
78.286, ICC-10 (b)	To allow manhole cover to be made of nickel steel 2 inches in thickness in lieu of 2¼ inches in thickness.
78.286, ICC-19 (a)	To provide for the inspection of interior surface of tank heads during retests on tank cars and to extend retest period of tanks from 5 to 10 years.
78.287, ICC-19 (a)	Do.
78.288, ICC-19 (a)	Do.
78.289, ICC-19 (a)	Do.
78.291, ICC-19 (a)	To provide for the inspection of interior surface of tank heads during retests on tank cars.
78.294, ICC-19 (a)	To provide for the inspection of interior surface of tank heads during retests on tank cars and to extend retest period of tanks from 5 to 10 years.
78.295, entire section	New specification for the construction of tank cars having fusion-welded, nickel-chromium-iron alloy tanks.
78.296, entire section	New specification for the construction of tank cars having rubber-lined fusion-welded steel tanks.

[F. R. Doc. 52-10360; Filed, Sept. 25, 1952; 8:46 a. m

NOTICES

CIVIL AERONAUTICS BOARD

[Docket No. 1706 et al.]

AMERICAN OVERSEAS AIRLINES, INC. ET AL.; TRANSATLANTIC FINAL MAIL RATE CASE

NOTICE OF HEARING

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith of American Overseas Airlines, Inc., Pan American World Airways, Inc., and Trans World Airlines, Inc., in transatlantic operations.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 406 and 1001 of said act that the above-entitled proceeding is assigned for hearing on October 20, 1952, at 10:00 a. m., e. s. t., in Conference Room A, Departmental Auditorium, Constitution Avenue between Twelfth and Fourteenth Streets NW., Washington, D. C., before Examiner R. Vernon Radcliffe.

The issues to which evidence may be addressed relate to the question of the fair and reasonable rates of compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith for the respective air carriers and periods concerned for transatlantic operations under the standards of the Civil Aeronautics Act of 1938, as amended.

For a further specification of subsidiary issues and the extent to which there has been a limitation of issues pursuant to Subpart C of the Board's rules of practice, interested persons are referred to the Statements of Tentative Findings and Conclusions, the Objections and Answers of parties, the Prehearing Conference Reports and Exceptions thereto in Dockets Nos. 1666, 1706, 2375, and 4021, all of which are on file with the Civil Aeronautics Board.

Notice is further given that any person, other than a party of record, desiring to be heard in this proceeding must file with the Board on or before October 20, 1952, a statement setting forth the matters of fact or law which he desires to present or controvert and such person may then appear and participate in the hearing in accordance with Rule 14 of the rules of practice.

Dated at Washington, D. C., September 23, 1952.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-10471; Filed, Sept. 25, 1952; 8:50 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

REGIONS V, VIII AND XII

LIST OF COMMUNITY CEILING PRICE ORDERS

The following Orders under General Overriding Regulation 24, were filed

with the Division of the Federal Register on September 22, 1952.

REGION V

Jacksonville Order G1–15, Amendment 2, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 4:07 p. m.

Jacksonville Order G2–15, Amendment 2, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 4:07 p. m.

Jacksonville Order G3–15, Amendment 2, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 4:08 p. m.

Jacksonville Order G3A–15, Amendment 2, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 4:08 p. m.

Jacksonville Order G4–15, Amendment 2, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 4:08 p. m.

Jacksonville Order G4A–15, Amendment 2, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 4:09 p. m.

REGION VIII

Fargo Order G1–17, Amendment 1, covering retail prices for certain dry grocery items sold by retailers in the Fargo Area, filed 4:09 p. m.

Fargo Order G2–17, Amendment 1, covering retail prices for certain dry grocery items sold by retailers in the Fargo Area, filed 4:09 p. m.

Fargo Order G4–17, Amendment 1, covering retail prices for certain dry grocery items sold by retailers in the Fargo Area, filed 4:09 p. m.

REGION XII

Fresno Order G1–14, covering retail prices for certain dry grocery items sold by retailers in the Fresno Area, filed 4:10 p. m.

Fresno Order G2–14, covering retail prices for certain dry grocery items sold by retailers in the Fresno Area, filed 4:10 p. m.

Fresno Order G4–14, covering retail prices for certain dry grocery items sold by retailers in the Fresno Area, filed 4:10 p. m.

Fresno Order G4A–14, covering retail prices for certain dry grocery items sold by retailers in the Fresno Area, filed 4:10 p. m.

Copies of any of these orders may be obtained from the OPS Office in the designated city.

JOSEPH L. DWYER,
Recording Secretary.

[F. R. Doc. 52–10451; Filed, Sept. 23, 1952; 12:01 p. m.]

[Delegation of Authority 4, Supp. 1, Revision 2]

DISTRICT ENFORCEMENT DIRECTORS AND ACTING DISTRICT ENFORCEMENT DIRECTORS

REDELEGATION OF AUTHORITY WITH RESPECT TO ENFORCEMENT FUNCTIONS

By virtue of the authority vested in me as Assistant Director of Price Stabilization for Enforcement (Director of Enforcement), by Delegation of Authority 4 of the Director of Price Stabilization (16 F. R. 3595), and Delegation of Authority 40 of the Director of Price Stabilization (16 F. R. 12411), this Revision 2 of Delegation of Authority 4, Supplement 1 (16 F. R. 3595) is hereby issued.

1. Those functions relating to the enforcement of price stabilization, including those with respect to the allocation of meat, which were delegated to the Assistant Director of Price Stabilization for Enforcement (Director of Enforcement) by Delegation of Authority 4 and Delegation of Authority 40 are hereby redelegated to the several District Enforcement Directors or Acting District Enforcement Directors subject to such rules, regulations, and orders as may hereinafter be issued by the Assistant Director of Price Stabilization for Enforcement, and the several District Enforcement Directors or Acting District Enforcement Directors are each hereby authorized and empowered, within the respective areas serviced by each Regional or District Office to which such District Enforcement Director or Acting District Enforcement Director is attached, the location of such Offices and the geographical limitations of such areas being described in the Organizational Statement Amendment of August 15, 1952 (17 F. R. 7515), to make such investigations, inspections, or inquiries as may be necessary or appropriate in their discretion, to the enforcement or the administration of the Defense Production Act of 1950, as amended by the Defense Production Act Amendments of 1951 and 1952, and the regulations or orders issued thereunder, subject to such supervision, direction, and control as the Assistant Director of Price Stabilization for Enforcement (Director of Enforcement) deems necessary and expedient.

2. The authority of section 705 (a) in the Defense Production Act of 1950, as amended by the Defense Production Act Amendments of 1951 and 1952, will be utilized only after the scope and purpose of the investigation, inspection or inquiry to be made thereunder have been defined by competent authority, and it is assured that no adequate and authoritative data are available from any Federal or other responsible agency. The Assistant Director of Price Stabilization for Enforcement (Director of Enforcement) shall be such competent authority within the United States, the District of Columbia and any and each territory and possession of the United States. In addition, the several District Enforcement Directors or Acting District Enforcement Directors are each hereby designated and constituted as such competent authority within the respective areas serviced by each Regional or District Office to which such District Enforcement Director or Acting District Enforcement Director is attached, the location of such Offices and the geographical limitations of such areas being described in the Organizational Statement Amendment of August 15, 1952 (17 F. R. 7515).

3. In connection with any investigation, inspection, or inquiry necessary or appropriate, in their discretion, to the enforcement or administration of the Defense Production Act of 1950, as amended by the Defense Production Act Amendments of 1951 and 1952, and the regulations or orders issued thereunder, the several District Enforcement Directors or Acting District Enforcement Directors of the Office of Price Stabilization, subject to such supervision, direction, and control as the Assistant Director of Price Stabilization for Enforcement (Director of Enforcement) deems necessary and expedient, are each authorized within the respective areas serviced by each Regional or District Office to which such District Enforcement Director or Acting District Enforcement Director is attached, the location of such Offices and the geographical limitations of such areas being described in the Organizational Statement Amendment of August 15, 1952 (17 F. R. 7515):

(a) To sign and issue Subpenas requiring any person to appear and testify or to appear and produce documents, or both, at any designated place;

(b) To sign and issue Inspection Authorizations requiring any person to permit a duly authorized representative of the Office of Price Stabilization to inspect books, records, and other writings in the possession or control of said person at the place where such person usually keeps them, and to inspect the premises or property of said person;

(c) To issue and use Letters requesting the inspection of books, documents, and records and inspection of premises or property.

Such subpenas, Inspection Authorizations, and Request Letters will be utilized only after the scope and purpose of the investigation, inspection or inquiry to be made have been defined by the Assistant Director of Price Stabilization for Enforcement (Director of Enforcement) or the District Enforcement Director or Acting District Enforcement Director in whose area as above defined such investigation, inspection, or inquiry is to take place, and it is assured that no adequate and authoritative data sought thereby are available from any Federal or other responsible agency.

4. The terms herein shall have the same meaning as in the Defense Production Act of 1950, as amended by the Defense Production Act Amendments of 1951 and 1952.

This revision shall become effective as of August 19, 1952.

LAMBERT S. O'MALLEY,
Assistant Director of Price Stabilization for Enforcement.

SEPTEMBER 25, 1952.

[F. R. Doc. 52–10564; Filed, Sept. 25, 1952; 4:00 p. m.]

[Delegation of Authority 68, Amdt. 1]

DIRECTORS OF THE REGIONAL OFFICES

DELEGATION OF AUTHORITY TO ACT UNDER CPR 24, AS AMENDED, SECTION 11 (B) (2)

By virtue of the authority vested in me as Director of the Office of Price Stabilization, pursuant to the Defense Production Act of 1950, as amended (64 Stat. 798, 803; 65 Stat. 131, 66 Stat. 296), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2, as amended, (16 F. R. 738, 11626), this Amendment 1 to Delegation of Authority 68 is hereby issued.

Delegation of Authority 68 is amended by redesignating the present paragraph 2 as paragraph 3 and inserting a new paragraph 2 to read as follows:

2. *Authority to act under section 11 (b) (2) of CPR 24, as amended.* Authority is hereby delegated to the Directors of the Regional Offices of the Office of Price Stabilization to act under section 11 (b) (2) of CPR 24, as amended.

This Amendment 1 to Delegation of Authority No. 68 shall take effect on September 26, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

SEPTEMBER 25, 1952.

[F. R. Doc. 52-10560; Filed, Sept. 25, 1952; 11:37 a. m.]

[Ceiling Price Regulation 32, Supplementary Regulation 2, Section 3, Special Order 23]

SOUTH CARLTON FIELD, CLARKE COUNTY, ALABAMA

CRUDE PETROLEUM CEILING PRICES ADJUSTED ON AN IN-LINE BASIS

Statement of considerations. The Office of Price Stabilization has been requested to adjust the ceiling price of crude petroleum produced from the South Carlton Field, Clarke County, Alabama from $1.35 per barrel to $1.56 per barrel flat.

On the basis of the evaluation of 12.9° API gravity sample of the crude taken in June, 1950, a receiving tank price of $1.35 per barrel was established at the well. A recent analysis representative of the production in November, 1951 showed this crude to be 13.4° API gravity and that it contained a higher percentage of gas oil and a lower percentage of bottoms than that obtained from the first sample which was received shortly after the field was discovered. This error has prevented a normal price adjustment in the field. Furthermore, the change in API gravity shown in the accepted analysis has resulted in a higher value of approximately 21 cents per barrel to the purchaser, and accordingly a revision in the ceiling price has been requested.

From the information available to this Office, it appears that the adjusted price will not exceed the ceiling price of comparable crude petroleum produced in this same area. The ceiling price of $1.56 per barrel flat for 13° API gravity crude conforms to ceiling prices in the same area.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to the provisions of section 3 of Supplementary Regulation 2 to Ceiling Price Regulation 32,

It is ordered:

1. That the ceiling price at the lease receiving tank for crude petroleum produced from the South Carlton Field, Clarke County, Alabama shall be: $1.56 per barrel flat.

2. All provisions of Ceiling Price Regulation 32, except as inconsistent with the provisions of this order, shall remain in full force and effect as to the commodities covered by this order.

3. This order may be amended, modified or revoked at any time by the Director of Price Stabilization.

Effective date. This special order shall become effective September 24, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

SEPTEMBER 23, 1952.

[F. R. Doc. 52-10447; Filed, Sept. 23, 1952; 12:00 m.]

FEDERAL POWER COMMISSION

[Docket No. G-1391]

NEW YORK STATE NATURAL GAS CORP., AND TEXAS EASTERN TRANSMISSION CORP.

NOTICE OF FINDINGS AND ORDER

SEPTEMBER 22, 1952.

Notice is hereby given that on September 19, 1952, the Federal Power Commission issued its order entered September 18, 1952, modifying order (15 F. R. 7488) issuing a certificate of public convenience and necessity in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-10433; Filed, Sept. 25, 1952; 8:46 a. m.]

[Docket Nos. G-1445, G-1680]

MIDSOUTH GAS CO.

NOTICE OF FINDINGS AND ORDER

SEPTEMBER 22, 1952.

Notice is hereby given that on September 18, 1952, the Federal Power Commission issued its order entered September 18, 1952, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-10434; Filed, Sept. 25, 1952; 8:46 a. m.]

[Docket No. G-1906]

ATLANTIC SEABOARD CORP., AND VIRGINIA GAS TRANSMISSION CORP.

NOTICE OF FINDINGS AND ORDER

SEPTEMBER 22, 1952.

Notice is hereby given that on September 19, 1952, the Federal Power Commission issued its order entered September 18, 1952, in the above-entitled matter issuing a certificate of public convenience and necessity to Atlantic Seaboard Corporation, and approving the application of Virginia Gas Transmission Corporation for abandonment of its facilities and services, by transfer, to Atlantic Seaboard Corporation.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc 52-10435; Filed, Sept. 25, 1952; 8:46 a. m.]

[Docket No. G-1958]

ROCKLAND LIGHT AND POWER CO.

ORDER FIXING DATE OF HEARING

SEPTEMBER 22, 1952.

On May 19, 1952, Rockland Light and Power Company (Applicant), a New York corporation having its principal place of business at Nyack, New York, filed an application seeking authorization pursuant to section 7 of the Natural Gas Act to acquire and operate all of the properties, assets, and franchises owned or enjoyed by Rockland Gas Company, Inc. (Rockland Gas), a New York corporation having its principal place of business at Spring Valley, New York, all as more fully described in the application on file with the Commission and open to public inspection.

Applicant has advised this Commission that if the acquisition of facilities proposed in its application were consummated substantial savings in operating costs would accrue and that it is Applicant's intention to apply a substantial portion of such savings so as to effect gas rate reductions in the Rockland County, New York area. Applicant has further represented to the Commission that it intends to effect such rate reductions immediately upon receiving the necessary authority to consummate the proposed acquisition, and that the prompt and expeditious disposition of this proceeding will serve to accelerate the time when the proposed rate reductions can be put into effect.

Applicant has requested that its application be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)) for noncontested proceedings, and this proceeding is a proper one for disposition under the aforementioned rule, no request to be heard, protest, or petition raising an issue of substance having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on June 6, 1952 (17 F. R. 5174).

The Commission finds: It is reasonable and in the public interest, and good cause exists for fixing the date of hearing in this proceeding less than 15 days after publication of this order in the FEDERAL REGISTER.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a public hearing be held on October 3, 1952, at 9:45 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by the application: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: September 23, 1952.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 52-10432; Filed, Sept. 25, 1952; 8:46 a. m.]

[Docket No. G-2047]

PANHANDLE EASTERN PIPE LINE CO.

NOTICE OF APPLICATION

SEPTEMBER 23, 1952.

Take notice that Panhandle Eastern Pipe Line Company (Applicant), a Delaware corporation, address 1221 Baltimore Avenue, Kansas City 6, Missouri, filed on September 11, 1952, an application in the alternative for (1) a disclaimer of Commission jurisdiction or (2) a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of the facilities as hereinafter described.

Applicant proposes to construct and operate a measuring and regulating station and appurtenant equipment to be used in the delivery to the chemical plant of National Petro-Chemicals Corporation (Petro-Chemicals), located near Tuscola, Illinois, of up to 7,000 Mcf of natural gas per day during the seven-month period, September 16 through April 15 and up to 24,000 Mcf per day during the five-month period, April 16 through September 15. Of these volumes of natural gas it is contemplated that 7,000 Mcf per day will be used for plant fuel in Petro-Chemicals extraction plant, where hydrocarbons will be extracted from natural gas, and in its chemical plant where ethane will be converted into ethylene, and up to 17,000 Mcf per day will be used in the five months, April 16 through September 15 for fuel in the plant boiler station. The above volumes of natural gas are contemplated to be sold on "uninterruptible" basis; however in the event of a shortage of gas Applicant has the right to curtail such sales to the extent reasonably necessary in its judgment after first curtailing so far as practicable, deliveries of natural gas to customers purchasing gas on an interruptible basis.

Petro-Chemicals was organized by Applicant and National Distillers Products Corporation to engage in the extraction and manufacture of various chemicals from natural gas. Applicant has contracted with Petro-Chemicals to sell to it in addition to the volumes of natural gas stated above, certain volumes of ethane and heavier hydrocarbon gasses contained in the stream of natural gas being transported in Applicant's pipeline.

The cost of the facilities for which applicant in the alternative seeks certification is $27,000, and financing is proposed to be out of current funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 10th day of October 1952. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 52-10456; Filed, Sept. 25, 1952; 8:48 a. m.]

[Docket No. G-2048]

PANHANDLE EASTERN PIPE LINE CO.

NOTICE OF APPLICATION

SEPTEMBER 23, 1952.

Take notice that Panhandle Eastern Pipe Line Company (Applicant), a Delaware corporation, address 1221 Baltimore Avenue, Kansas City 6, Missouri, filed on September 11, 1952, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain transmission pipeline facilities hereinafter described.

Applicant proposes to construct and operate 5.5 miles of 6-inch o. d. loop pipeline paralleling portion of Applicant's Adrian lateral pipeline extending from its main Michigan pipe to Adrian, Michigan. The proposed facilities are to permit the delivery of natural gas through the Adrian lateral to the plant of Bohn Aluminum & Brass Corporation (Bohn) during the months of November, December, January, February, and March, during which months Applicant will be delivering large volumes of firm gas through the lateral to Citizens Gas Fuel Company, the distributing company in Adrian, Michigan. Relative to the sale of gas to Bohn, Applicant has applied at Docket No. G-2040 for a certificate of public convenience and necessity authorizing such service.

The estimated cost of the facilities is $110,000 which amount will be initially financed by Applicant out of funds on hand. Bohn, however has agreed to pay $35,000 toward the cost of the construction of the facilities, such amount to be returned by a credit of 5 cents per Mcf of natural gas purchased by it from Applicant and by the payment to it of any balance remaining after the termination of the contract. Citizens has agreed to pay Applicant toward the cost of the facilities by a payment of 1½ cents per Mcf of interruptible natural gas delivered by Citizens to Bohn.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 10th day of October 1952. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 52-10457; Filed, Sept. 25, 1952; 8:48 a. m.]

[Docket No. G-2049]

PANHANDLE EASTERN PIPE LINE CO.

NOTICE OF APPLICATION

SEPTEMBER 23, 1952.

Take notice that Panhandle Eastern Pipe Line Company (Applicant) a Delaware corporation, address 1221 Baltimore Avenue, Kansas City 6, Missouri, filed on September 11, 1952, an application in the alternative for (1) a disclaimer of Commission jurisdiction or (2) a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the service as hereinafter described.

Applicant proposes to deliver to the corn drying plant of the DeKalb Agricultural Association (DeKalb), located at Tuscola, Illinois, maximum volumes of natural gas not in excess of 2,000 Mcf in any one day or 40,000 Mcf in any calendar year. Such gas is to be delivered only during the months of September, October, November, and December. Delivery is to be made through the facilities of the Citizens Gas Company, the distributing company in Tuscola, Illinois, under an operating arrangement providing generally that Citizens has no obligation to transport gas to DeKalb's plant if it will interfere with the operations of its distribution plant or with deliveries to its customers. Service proposed to be rendered by Applicant contemplates an "uninterruptible" supply; however, the right is reserved to curtail or interrupt deliveries to DeKalb if a shortage of gas exists on Applicant's pipe line system.

Applicant proposes to construct no new facilities in order to provide the service.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 10th day of October 1952. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 52-10458; Filed, Sept. 25, 1952; 8:48 a. m.]

[Docket No. G-2050]

PANHANDLE EASTERN PIPE LINE CO.

NOTICE OF APPLICATION

SEPTEMBER 23, 1952.

Take notice that Panhandle Eastern Pipe Line Company (Applicant), a Delaware corporation, address 1221 Baltimore Avenue, Kansas City 6, Missouri, filed on September 11, 1952, an application in the alternative for (1) a disclaimer of Commission jurisdiction or (2) a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the service as hereinafter described.

Applicant proposes to sell on a temporary or dump basis to the Monroe Paper Products Company, located in Monroe,

Michigan, a supply of natural gas not in excess of 3,000 Mcf per day to supplement the 1,500 Mcf per day being sold to Monroe Paper by Michigan Gas Utilities Company (Utilities), the local distributing company in Monroe, Michigan. It is contemplated that the gas will be used in two of the four steam boilers of Monroe Paper, the other two boilers being kept in reserve for firing with coal in the event of interruption of gas. Deliveries are proposed to be made to Monroe Paper plant through the facilities of Utilities and no new construction is contemplated by the Applicant in order to render the service.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 10th day of October 1952. The application is on file with the Commisison for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-10459; Filed, Sept. 25, 1952; 8:48 a. m.]

[Docket No. G-2057]

MISSOURI PUBLIC SERVICE CO.

NOTICE OF APPLICATION

SEPTEMBER 23, 1952.

Take notice that Missouri Public Service Company (Applicant), a Missouri corporation having its principal place of business at Warrensburg, Missouri, filed on September 11, 1952, an application pursuant to section 7 of the Natural Gas Act for:

(1) An order directing Panhandle Eastern Pipe Line Company (Panhandle) to establish physical connection of its transmission facilities near New Franklin, Missouri, with the proposed facilities of and to sell and deliver natural gas to Applicant for resale as hereinafter described; and

(2) A certificate of public convenience and necessity authorizing the construction and operation of the following: A 10-inch pipeline, 63.6 miles in length, extending from the proposed point of interconnection with Panhandle's existing pipeline near New Franklin northwesterly past Glasgow and Keytesville, and continuing north to Brookfield; an 8-inch pipeline, 45.7 miles in length, extending from Brookfield in a westerly direction to near Chillicothe, and thence north to Trenton; two 3-inch laterals, totaling 12.5 miles, extending from the main line to Salisbury and to Brunswick; three 2-inch laterals, totaling 8.7 miles, extending from the main line to Dalton, Bucklin and Chula; and an 8-inch pipeline, approximately 6 miles in length, extending from Chillicothe to Utica. All communities and facilities involved in this application are located in the State of Missouri.

Applicant proposes, by means aforementioned, to supply natural gas service to the cities or towns of Glasgow, Salisbury, Dalton, Brunswick, Keytesville, Marceline, Bucklin, Brookfield, Laclede, Meadville, Wheeling, Chula, Utica, Chillicothe and Trenton. None of these communities are presently served with natural gas, although Applicant now serves Chillicothe and Trenton with propane-air gas service. Applicant estimates its annual requirements for all types of service at 3,706,834 Mcf.

The estimated total over-all capital cost of the proposed facilities is $5,080,845, which Applicant proposes to finance by issuance and sale of first mortgage bonds, debentures, preferred and/or common stock, and by retained earnings and funds set aside for its depreciation reserve.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 10th day of October 1952. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-10460; Filed, Sept. 25, 1952; 8:48 a. m.]

[Docket No. G-2058]

GULF INTERSTATE GAS CO.

NOTICE OF APPLICATION

SEPTEMBER 23, 1952.

Take notice that Gulf Interstate Gas Company (Applicant), a Delaware corporation, address, Houston, Texas, filed on September 12, 1952, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain transmission pipeline facilities hereinafter described.

Applicant proposes to transport natural gas for the account of United Fuel Gas Company (United Fuel Gas), a wholly owned subsidiary of the Columbia Gas System, Inc., and for such purpose to construct and operate a natural-gas pipeline extending from fields located in Cameron and Vermillion Parishes in Southern Louisiana, through Louisiana, Mississippi, Tennessee, and Kentucky to a terminus in Boyd County, Kentucky, including a 30-inch main transmission line approximately 860 miles in length; various laterals consisting of approximately 26 miles of 24-inch pipe, 128 miles of 20-inch pipe, 23 miles of 16-inch pipe, and 52 miles of 12-inch pipe; five compressor stations totaling 10,000 horsepower; together with requisite metering and measuring stations, appurtenant gathering lines and equipment necessary to render the service proposed by Applicant; and an initial line capacity approximating 375,000 Mcf per day.

The estimated cost of the proposed facilities is $127,887,000. The proposed financing includes issuance and sale of Applicant's debt and equity securities in a ratio of not to exceed 75 percent debt securities and 25 percent equity securities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 10th day of October 1952. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-10461; Filed, Sept. 25, 1952; 8:48 a. m.]

[Docket No. G-2067]

TEXAS GAS TRANSMISSION CORP.

NOTICE OF APPLICATION

SEPTEMBER 22, 1952.

Take notice that on September 12, 1952, Texas Gas Transmission Corporation (Applicant), a Delaware corporation with its principal place of business at Owensboro, Kentucky, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of a direct industrial sales metering station for the sale of natural gas to Mississippi Power & Light Company for use as fuel in an electric generating station now being constructed by that company near Cleveland, Mississippi.

Applicant proposes to sell and deliver to Mississippi Power & Light Company for this purpose on an interruptible basis up to 30,000 Mcf per day for a period of ten years.

The estimated construction cost of about $24,000 will be financed from cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 10, 1952. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-10436; Filed, Sept. 25, 1952; 8:46 a. m.]

FEDERAL TRADE COMMISSION

[Docket No. 5766]

BORDEN-AICKLEN AUTO SUPPLY CO., INC., ET AL.

ORDER APPOINTING HEARING EXAMINER

In the matter of Borden-Aicklen Auto Supply Co., Inc., a corporation, et al.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission:

It is ordered, That Earl J. Kolb, a Hearing Examiner of this Commission, be, and he hereby is, designated and appointed to take testimony and receive

evidence in this proceeding and to perform all other duties authorized by law.

Issued: September 18, 1952.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 52-10465; Filed, Sept. 25, 1952; 8:49 a. m.]

[Docket No. 5767]

D & N AUTO PARTS CO., INC., ET AL.

ORDER APPOINTING HEARING EXAMINER

In the matter of D & N Auto Parts Company, Inc., a corporation, et al.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission:

It is ordered, That Earl J. Kolb, a Hearing Examiner of this Commission, be, and he hereby is, designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law.

Issued: September 18, 1952.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 52-10464; Filed, Sept. 25, 1952; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-173, 54-191]

STANDARD GAS AND ELECTRIC CO., AND PHILADELPHIA CO.

NOTICE OF FILING AND NOTICE OF ORDER REOPENING HEARINGS

SEPTEMBER 22, 1952.

In the matters of Standard Gas and Electric Company and Philadelphia Company, File No. 54-191; Philadelphia Company and Standard Gas and Electric Company, File No. 54-173.

I. Standard Gas and Electric Company ("Standard"), a registered holding company and a subsidiary of Standard Power and Light Corporation ("Power"), also a registered holding company, and Philadelphia Company ("Philadelphia"), a registered holding company and a subsidary of Standard, having filed a plan dated February 8, 1951, ("Standard plan") pursuant to section 11 (e) of the act, for compliance by Standard and Philadelphia with the provisions of section 11 of the act (File No. 54-191); and

Hearings having been held and the record closed with respect to Step I of the Standard plan, which step proposes the retirement of the Prior Preference Stock of Standard through the distribution of portfolio securities, and also with respect to Step I-A of such plan, which step provides for the settlement of intercompany claims between Standard and Power; and

Standard having heretofore filed a plan ("Philadelphia plan") under section 11 (e) of the act for the simplification of the system of Philadelphia (File No. 54-173), Step 4 of which provides for the retirement of two classes of Philadelphia's outstanding preferred stocks and the preferred stock of a subsidiary, as to which Philadelphia has guaranteed the payment of dividends, which step was approved by the Commission after public hearings thereon and which is now pending for enforcement in the United States District Court for the Western District of Pennsylvania;

Notice is hereby given that an amendment has been filed to Step II of the Standard plan providing for the retirement of the $4 Cumulative Preferred Stock and the Common Stock of Standard through the distribution of common stock of Duquesne Light Company ("Duquesne"), a public utility subsidiary of Philadelphia, to the $4 Cumulative Preferred-stock holders of Standard and, in essence, the distribution of common stock of Philadelphia to the Common-stock holders of Standard. An amendment has also been filed to Step 5 of the Philadelphia plan providing for the retirement of the $5 Cumulative Preference Stock of Philadelphia through the distribution of common stock of Duquesne. All interested persons are referred to said plans, as amended, which are on file in the offices of the Commission for a statement of the transactions therein proposed, which are summarized hereinafter.

II. Upon consummation of Steps I and I-A of the Standard plan, the principal asset of Standard will consist of its present holdings of 5,024,790 shares or 96.8 percent of the common stock of Philadelphia. In addition, it will own 46,834 shares of common stock of Wisconsin Public Service Corporation ("Wisconsin"), 2,889 shares of common stock of Oklahoma Gas and Electric Company ("Oklahoma") and 20,427 shares of common stock of Duquesne, plus certain miscellaneous minor assets including the capital stocks of Public Utility Engineering and Service Corporation ("Service Corporation") and of Horseshoe Lake Oil and Gas Company ("Horseshoe"). Standard's only outstanding securities will be its $4 Cumulative Preferred Stock and its Common Stock.

Step II, as amended, of the Standard plan proposes that:

1. Standard will sell such holdings of Wisconsin and Oklahoma, will liquidate or otherwise dispose of the stock of Service Corporation, and will sell or otherwise dispose of the stock of Horseshoe.

2. Philadelphia will distribute, as a partial liquidating dividend, 9/10 of a share of common stock of Duquesne for each share of common stock of Philadelphia presently outstanding, so that Standard will receive 3,014,874 shares of common stock of Duquesne. Such distribution will be carried out either under Step II or pursuant to a separate plan for the partial liquidation of Philadelphia.

3. The $4 Cumulative Preferred Stock ("$4 Preferred") of Standard will be retired by delivery in exchange for each share, including all dividends accrued and in arrears thereon to the effective date of the exchange, 4 shares of common stock of Duquesne. The effective date shall be as soon as possible after March 1, 1953, and will be such that holders of the $4 Preferred will be entitled to receive dividends payable on the Duquesne common stock subsequent to the dividend which is expected to be paid on April 1, 1953; all dividends on the common stock of Duquesne distributable under Step II expected to be paid on April 1, 1953, and prior thereto shall be payable to either Standard or Philadelphia. Pending such effective date no dividends will be paid on the $4 Preferred.

4. As soon as practicable after the retirement of the $4 Preferred, Standard will discharge or provide for its liabilities. It will thereupon retire its Common Stock by the delivery in exchange therefor of common stock of Philadelphia as follows: For each share of Common Stock of Standard the holder will receive that number of shares of Philadelphia common stock equal to the total number of shares of Philadelphia common stock held by Standard divided by the number of outstanding shares of Common Stock of Standard. If on that basis a holder of Common Stock of Standard is entitled to a fractional share of Philadelphia common stock other than 1/100 or a multiple thereof, such fraction shall be adjusted to the next lowest 1/100 of a share and any shares of Philadelphia common stock remaining undistributed as a result of such adjustment shall be surrendered by Standard to Philadelphia as a capital contribution and shall be canceled. Following the retirement of its Common Stock, Standard will be liquidated and dissolved or otherwise disposed of in such manner that it will cease to have any interest in or be otherwise connected with Philadelphia, Duquesne, Wisconsin or Oklahoma.

5. On the effective dates of the exchanges of Standard's $4 Preferred and Common Stock the securities to be issued in the respective exchanges will be deposited with an exchange agent and thereupon Standard shall cease to have any rights with respect to the deposited securities and the holders of the $4 Preferred and of the Common Stock shall cease to have any rights as stockholders of Standard except that they shall be entitled to receive their pro rata distribution of the deposited securities and any cash which they may become entitled to receive in respect of dividends on deposited securities paid to the exchange agent. In addition, holders of Standard Common Stock shall be entitled to a final distribution referred to hereinafter. Certificates for $4 Preferred surrendered to the exchange agent shall be canceled; certificates for Common Stock surrendered to the exchange agent shall either be canceled or shall be disposed of as may be directed by the Commission and the United States District Court to which the Commission may apply to enforce and carry out Step II of the Standard plan.

6. No certificates for fractional shares of common stock of Philadelphia will be issued but in lieu thereof the exchange agent will issue scrip certificates which when combined in lots representing one

or more full shares may be exchanged for common stock. For a period of six months after the effective date of Step II holders of scrip certificates may sell the same or purchase additional scrip without the payment of any commission. The holders of scrip certificates will not be entitled to the rights of stockholders unless and until the scrip is exchanged for stock certificates but upon such exchange the holder shall be entitled to receive an amount equal to all dividends declared upon the shares received by him after the effective date and prior to receipt of the shares. If the scrip certificates are not exchanged within a period of approximately five years such certificates shall become void.

7. After five years from the date of deposit of certificates for common stock of Philadelphia with the exchange agent by Standard, as aforesaid, holders of $4 Preferred and Common Stock of Standard shall cease to be entitled to make exchanges and their certificates shall become void. All the stock of Duquesne and Philadelphia remaining in the hands of the exchange agent after five years shall be converted into cash and such cash together with all cash received by the exchange agent as dividends, or otherwise, upon such stock and any cash received by the exchange agent from the exchange agent under Step I of the plan as provided in said Step I shall be distributed pro rata by the exchange agent to former holders of Common Stock of Standard who have surrendered their certificates for exchange and who, after the said five years, have filed an acknowledgment of receipt of notice as hereinafter referred to. Not more than 60 days after the said five years the exchange agent will notify such former holders of Standard Common Stock that cash is available for distribution and that those who deliver to the exchange agent within 120 days after the date of such notice a signed acknowledgment of receipt of notice will be entitled to participate in the distribution of such cash. Those who do not file such acknowledgment shall cease to be entitled to participate in the distribution of such cash and all such cash will be distributed to former holders of Standard Common Stock who have delivered such acknowledgment.

8. During the five year period in which exchanges may be made Standard undertakes to give notice to the holders of the $4 Preferred and of the Common Stock of their distribution rights, to use reasonable efforts to locate any missing holders of such stocks and periodically to notify the Commission of the results of these efforts.

9. Standard proposes to request the Commission, pursuant to section 11 (e) of the act, to apply to a United States District Court to enforce and carry out the proposed exchanges of securities. The effective date of Step II is to be that specified in the court's decree of enforcement, or, if not so specified, then such date, not later than ninety days after the court's decree becomes final and no longer subject to review, as the Board of Directors of Standard shall determine. Notice of the effective date will be given by Standard to holders of the $4 Preferred and the Common Stock by mail and by newspaper publication at least ten days before such effective date.

10. Provisions of Step I of the Standard plan relating to fees and expenses and court enforcement of any order of the Commission approving the plan are also applicable to Step II.

III. Upon consummation of Step 4 of the Philadelphia plan, the capitalization of Philadelphia will consist of notes payable to banks in the amount of $16,000,000, 53,868 shares of $5 Cumulative Preference Stock ("$5 Preference Stock"), having an aggregate stated value of $5,386,800, and common stock. The $5 Preference Stock has preference as to dividends ahead of the common stock. On liquidation it is entitled to $100 per share plus accrued dividends before the common stock. It is callable at $110 per share plus accrued dividends. There are no arrears in dividends. Step 5 of the Philadelphia plan as amended provides, among other things, for the following:

1. The $5 Preference Stock will be retired by the delivery of 3.6 shares of common stock of Duquesne in exchange for each share of the $5 Preference Stock and any dividends accrued thereon to the effective date of the exchange.

2. Provisions as to deposit of shares, the issuance of scrip for fractional interests, notice to the holders of the $5 Preference Stock and searches therefor, and the voiding of certificates for $5 Preference Stock and of scrip upon the expiration of five years from the date of deposit by Philadelphia with the exchange agent of certificates for common stock by Duquesne are similar to those prescribed under Step II of the Standard plan. With respect to unclaimed shares of Duquesne common stock and cash received as dividends on such unclaimed shares it is proposed that such stock and cash be turned over by the exchange agent to Duquesne and the shares shall be owned by Duquesne as treasury shares and sold as part of the first public offering by Duquesne of common stock and the cash so turned over shall be added to its corporate funds.

3. Provisions in the Philadelphia plan relating to fees and expenses and court enforcement of any order of the Commission approving the plan are also applicable to Step 5.

The Commission being required by the provisions of section 11 (e) of the act before approving any plan thereunder to find, after notice and opportunity for hearing, that the plan as submitted or as modified is necessary to effectuate the provisions of subsection (b) of section 11 and is fair and equitable to the persons affected thereby; and it appearing appropriate to the Commission that notice be given and a hearing be held on Step II of the Standard plan and Step 5 of the Philadelphia plan to afford all interested persons an opportunity to be heard with respect thereto; and

It further appearing that common questions of law and fact are involved in the proceedings upon the Standard plan and the Philadelphia plan and that they should be consolidated for the purpose of hearing; and

It further appearing that the records heretofore made in the said proceedings contain evidence that may have a bearing upon the issues presented by Step II of the Standard plan and by Step 5 of the Philadelphia plan, and that a substantial saving of time and expense will result if the evidence adduced in said proceedings is used in connection with the consideration of the instant proceedings:

It is hereby ordered, That the proceeding with respect to the Standard plan (File No. 54–191) and the proceeding with respect to the Philadelphia plan (File No. 54–173) be, and they hereby are, consolidated for the purpose of the hearing hereinafter ordered, and the records therein are hereby incorporated into the record of the instant consolidated proceeding: *Provided*, That this order of consolidation is without prejudice to the Commission's right to separate, either for hearing, in whole or in part, or for determination, in whole or in part, any issues or questions hereinafter set forth or which may arise in this consolidated proceeding, to separate the proceedings consolidated herein, or take such other action as may appear conducive to an orderly, prompt and economical disposition of the matters involved: *And provided further*, That the incorporation of the records in File Nos. 54–191 and 54–173 into the instant consolidated proceeding is subject, however, and without prejudice to the Commission's right, upon its own motion or the motion of any interested participant, to strike such portion of the record in respect of said prior proceedings as may be deemed incompetent or irrelevant to the issues raised in the instant consolidated proceeding.

It is further ordered, That a public hearing on Step II of the Standard plan and Step 5 of the Philadelphia plan be held in the consolidated proceeding at 10:00 a. m., e. s. t., on the 28th day of October 1952, at the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. On that date the hearing room clerk in Room 193 will advise as to the room in which the hearing will be held. In the event that amendments or supplements are filed during the course of the proceedings on Step II of the Standard plan and on Step 5 of the Philadelphia plan, no notice of such amendments or supplements need be given unless specifically ordered by the Commission. Any person desiring to receive further notice of the filing of such amendments or supplements should request such notice of Standard. Any person desiring to be heard in connection with this consolidated proceeding or proposing to intervene herein shall file with the Secretary of the Commission on or before October 24, 1952, his written request or application therefor as provided by Rule XVII of the rules of practice of the Commission.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing. The officer so designated to preside at the hearing is hereby authorized to exercise all powers granted to the Commission

under section 18 (c) of the act and to a Hearing Officer under the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of Step II, as amended, of the Standard plan and Step 5, as amended, of the Philadelphia plan and that, on the basis thereof, the following matters and questions are presented for consideration by the Commission without prejudice to the presentation of additional matters and questions upon further examination and without consideration at this time of the issues involved in connection with Steps III and IV of the Standard plan:

1. Whether Step II of the Standard plan and Step 5 of the Philadelphia plan, as submitted or as may hereafter be modified, are necessary to effectuate the provisions of section 11 (b) of the act;

2. Whether Step II of the Standard plan and Step 5 of the Philadelphia plan, as submitted or as may hereafter be modified, are fair and equitable to the persons affected thereby;

3. Whether the proposal to treat Power's and Standard's holdings of Philadelphia common stock on the same basis as the holdings of public common stockholders of Philadelphia in the distribution of Duquesne common stock is fair and equitable;

4. Generally, whether the transactions proposed in Step II, as amended, of the Standard plan and Step 5, as amended, of the Philadelphia plan are in all respects in the public interest and in the interest of investors and consumers and consistent with all applicable requirements of the act and of the rules and regulations thereunder, with particular reference to the proposed distribution by Philadelphia of common stock of Duquesne as a dividend in kind;

5. Whether the fees, expenses and other remuneration which may be claimed or paid in connection with the said Step II and Step 5 of the respective plans and the transactions incident thereto are for necessary services and are reasonable in amount, and whether the proposed allocation thereof is appropriate;

6. Whether the accounting treatment to be accorded the proposed transactions is proper and in conformity with sound accounting principles and the Commission's Uniform System of Accounts for Public Utility Holding Companies;

7. Whether the respective plans as submitted or as they may be modified, or a plan or plans proposed by the Commission or by any person having a bona fide interest in the consolidated proceeding, should be approved by the Commission for the purposes of section 11 (d) of the act, and, if proposed by the Commission or by a person having a bona fide interest, what the terms and provisions of such plan or plans should be;

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve a copy of this notice and order by registered mail on Power; Standard; Philadelphia; Duquesne; Mellon National Bank and Trust Company of Pittsburgh, Pennsylvania; the Chase National Bank of the City of New York, N. Y.; Continental Illinois National Bank and Trust Company of Chicago, Chicago, Illinois; Paul D. Miller, Esq.; Alfred Berman, Esq.; W. Howard Dilks, Jr., Esq.; William L. Fox, Esq.; Milton H. Cohen, Esq.; Leo B. Mittelman, Esq.; A. Albert Minton, Esq.; Marvin M. Notkins, Esq.; Edmond M. Hanrahan, Esq.; I. T. Flatto, Esq.; Lewis Schimberg, Esq.; the Pennsylvania Public Utility Commission; the Federal Power Commission; and the City of Pittsburgh, Pennsylvania; and that said notice of said hearing shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to persons on the mailing list for releases under the act, and that further notice shall be given to all persons by publication of this notice and order in the FEDERAL REGISTER.

It is further ordered, That Standard shall give further notice of this hearing to the holders of its $4 Cumulative Preferred Stock and Common Stock and that Philadelphia shall give further notice of this hearing to the holders of its $5 Preference Stock and common stock (insofar as the identity of such security holders is known or available to them) by mailing to each of said persons a copy of this notice and order to his last known address at least 20 days prior to the date of said hearing.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-10438; Filed, Sept. 25, 1952; 8:46 a. m.]

[File No. 59-9]

STANDARD POWER AND LIGHT CORP. ET AL.

ORDER OF DISMISSAL AS TO NORTHERN STATES POWER COMPANY HOLDING-COMPANY SYSTEM

SEPTEMBER 22, 1952.

In the matter of Standard Power and Light Corporation, Standard Gas and Electric Company, and subsidiary companies thereof, File No. 59-9.

Whereas the Commission on March 6, 1940, instituted this proceeding under section 11 (b) (1) of the Public Utility Holding Company Act of 1935 ("the act") with respect to Standard Power and Light Corporation ("Standard Power"), a registered holding company, and all subsidiary companies thereof, which then included Northern States Power Company (Delaware), a registered holding company, and its subsidiaries; and

Whereas said Northern States Power Company (Delaware) and its subsidiary companies thereafter ceased to be subsidiary companies of Standard Power as defined in section 2 (a) (8) (A) of the act; and

Whereas Northern States Power Company (Delaware) was thereafter dissolved pursuant to order of the Commission issued under section 11 (b) (2) of the act and Northern States Power Company (Minnesota), a registered holding company then became and now is the top holding company in the Northern States system; and

Whereas the Commission has this day instituted a new and independent proceeding (File No. 59-99) under section 11 (b) (1) of the act with respect to all companies in the Northern States system; and it appearing appropriate that this proceeding (File No. 59-9) be dismissed with respect to such companies:

Therefore it is ordered, That this proceeding be, and hereby is, dismissed as to Northern States Power Company (Delaware), Northern States Power Company (Minnesota), and all subsidiary companies thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-10437; Filed, Sept. 25, 1952; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

ELVIRA JUKOPILA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

Elvira Jukopila, a/k/a Jucopilla, Medulin, Istra, FNR Yugoslavia; Claim No. 38470; $492.22 in the Treasury of the United States.

Executed at Washington, D. C., on September 22, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 52-10467; Filed, Sept. 25, 1952; 8:50 a. m.]

LUDWIG FILIPP HELUS

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

Ludwig Filipp Helus, Herbstrasse 7, Vienna XVI; Claim No. 42082; $1,419.81 in the Treasury of the United States.

Executed at Washington, D. C., on September 22, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-10468; Filed, Sept. 25, 1952; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[Rev. S. O. 562, Taylor's I. C. C. Order 3, Amdt. 3]

ANN ARBOR RAILROAD CO. ET AL.

REROUTING OR DIVERSION OF TRAFFIC

Upon further consideration of Taylor's I. C. C. Order No. 3 and good cause appearing therefor: *It is ordered*, That:

Taylor's I. C. C. Order No. 3 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p. m., October 31, 1952, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p. m., September 30, 1952; and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., September 22, 1952.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F. R. Doc. 52-10446; Filed, Sept. 25, 1952; 8:47 a. m.]

[4th Sec. Application 27414]

PLASTER, PLASTERBOARD AND RELATED ARTICLES FROM HANOVER AND HEATH, MONT., TO POINTS IN SOUTH DAKOTA

APPLICATION FOR RELIEF

SEPTEMBER 23, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Chicago, Milwaukee, St. Paul and Pacific Railroad Company.

Commodities involved: Plaster, plasterboard and related articles, carloads.

From: Hanover and Heath, Mont.

To: Rapid City, S. Dak., and certain other points in South Dakota.

Grounds for relief: Rail competition, circuitous routes, and to apply rates constructed on basis of the short line distance formula.

Schedules filed containing proposed rates: CMStP&P RR. tariff I. C. C. No. B-7194, Supp. 53.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-10439; Filed, Sept. 25, 1952; 8:47 a. m.]

[4th Sec. Application 27415]

VEGETABLES FROM FLORIDA TO POINTS IN CANADA AND THE UNITED STATES

APPLICATION FOR RELIEF

SEPTEMBER 23, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1195.

Commodities involved: Cabbage, celery and tomatoes, carloads.

From: Points in Florida.

To: Points in Canada and intermediate points in the United States.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1195, Supp. 37.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-10440; Filed, Sept. 25, 1952; 8:47 a. m.]

[4th Sec. Application 27416]

CEMENT FROM POINTS IN SOUTHERN TERRITORY TO WEST PALM BEACH, FLA.

APPLICATION FOR RELIEF

SEPTEMBER 23, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1244.

Commodities involved: Cement and related articles, carloads.

From: Points in southern territory.

To: West Palm Beach, Fla.

Grounds for relief: Rail competition, circuitous routes, market competition, and port competition.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-10441; Filed, Sept. 25, 1952; 8:47 a. m.]